



ENDINGS AND BEGINNINGS: FROM INVASION TO NATIONHOOD

U. S History, 2021-2022

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BOUNDING THE LAND

William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England*. New York: Hill and Wang, 1983, 54-63.

To take advantage of their land's diversity, Indian villages had to be mobile. This was not difficult as long as a family owned nothing that could not be either stored or transported on a man's or—more probably—a woman's back. Clothing, baskets, fishing equipment, a few tools, mats for wigwams, some corn, beans, and smoked meat: these constituted most of the possessions that individual Indian families maintained during their seasonal migrations. Even in southern New England, where agriculture created larger accumulations of food than existed among the hunter-gatherer peoples of the north, much of the harvest was stored in underground pits to await later visits and was not transported in large quantities. The need for diversity and mobility led New England Indians to avoid acquiring much surplus property, confident as they were that their mobility and skill would supply any need that arose.

This, then, was a solution to the riddle Thomas Morton had posed his European readers. If English visitors to New England thought it a paradox that Indians seemed to live like paupers in a landscape of great natural wealth, then the problem lay with

English eyesight rather than with any real Indian poverty. To those who compared Massachusetts Indians to English beggars, Morton replied, "If our beggars of England should, with so much ease as they, furnish themselves with foode at all seasons, there would not be so many starved in the streets." Indians only *seemed* impoverished, since they were in fact "supplied with all manner of needfull things, for the maintenance of life and livelyhood." Indeed, said Morton, the leisurely abundance of Indian life suggested that there might be something wrong with *European* notions of wealth: perhaps the English did not know true riches when they saw them. In a passage undoubtedly intended to infuriate his Puritan persecutors, Morton counterposed to the riddle of Indian poverty a riddle of Indian wealth: "Now since it is but foode and rayment that men that live needeth (though not all alike,) why should not the Natives of New England be sayd to live richly, having no want of either?"¹

Why not indeed? It was not a question that sat well with the New England Puritans, who had banished Morton for just such irreverence (not to mention his rival trade with the Indians). Criticism of Indian ways of life was a near-constant element in early colonial writing, and in that criticism we may discover much about how colonists believed land should be used. "The *Indians*," wrote Francis Higginson, "are not able to make use of the one fourth part of the Land, neither have they any settled places, as Townes to dwell in, nor any ground as they challenge for their owne possession, but change their habitation from place to place." A people who moved so much and worked so little did not deserve to lay claim to the land they inhabited. Their supposed failure to "improve" that land was a token not of their chosen way of life but of their laziness. "Much might they benefit themselves," fumed William Wood, "if they were not strong fettered in the chains of idleness; so as that they had rather starve than work, following no employments saving such as are sweetened with more pleasures and profit than pains or care." Few Indians, of course, had actually starved in precolonial times, so Wood's criticism boiled down to an odd tirade against Indians who chose to subsist by labor they found more pleasurable than hateful. (Ironically, this was exactly the kind of life that at least some colonists fantasized for themselves in their visions of the natural bounty of the New World.) Only the crop-planting (and

therefore supposedly overworked) women were exempted from such attacks. As we have seen, the full scorn of English criticism was reserved for Indian males, whose lives were perhaps too close to certain English pastoral and aristocratic fantasies for Calvinists to tolerate. At a time when the royalist Izaak Walton would soon proclaim the virtues of angling and hunting as pastimes, the Puritan objections to these "leisure" activities carried political as well as moral overtones.²

More importantly, English colonists could use Indian hunting and gathering as a justification for expropriating Indian land. To European eyes, Indians appeared to squander the resources that were available to them. Indian poverty was the result of Indian waste: underused land, underused natural abundance, underused human labor. In his tract defending "the Lawfulness of Removing Out of England into the Parts of America," the Pilgrim apologist Robert Cushman argued that the Indians were "not industrious, neither have art, science, skill or faculty to use either the land or the commodities of it; but all spoils, rots, and is marred for want of manuring, gathering, ordering, etc." Because the Indians were so few, and "do but run over the grass, as do also the foxes and wild beasts," Cushman declared their land to be "spacious and void," free for English taking.³

Colonial theorists like John Winthrop posited two ways of owning land, one natural and one civil. Natural right to the soil had existed "when men held the earth in common every man sowing and feeding where he pleased." This natural ownership had been superseded when individuals began to raise crops, keep cattle, and improve the land by enclosing it; from such actions, Winthrop said, came a superior, civil right of ownership. That these notions of land tenure were ideological and inherently Eurocentric was obvious from the way Winthrop used them: "As for the Natives in New England," he wrote, "they inclose noe Land, neither have any settled habytation, nor any tame Cattle to improve the Land by, and soe have noe other but a Naturall Right to those Countries." By this argument, only the fields planted by Indian women could be claimed as property, with the happy result, as Winthrop said, that "the rest of the country lay open to any that could and would improve it." The land was a *vacuum Domicilium* waiting to be inhabited by a more productive people. "In a vacant soyle," wrote the minister John Cotton, "hee

that taketh possession of it, and bestoweth culture and husbandry upon it, his Right it is."⁴

This was, of course, little more than an ideology of conquest conveniently available to justify the occupation of another people's lands. Colonists occasionally admitted as much when they needed to defend their right to lands originally purchased from Indians: in order for Indians legitimately to sell their lands, they had first to own them. Roger Williams, in trying to protect Salem's claim to territory obtained from Indians rather than from the English Crown, argued that the King had committed an "injustice, in giving the Countrey to his *English* Subjects, which belonged to the Native *Indians*." Even if the Indians used their land differently than did the English, Williams said, they nevertheless possessed it by right of first occupancy and by right of the ecological changes they had wrought in it. Whether or not the Indians conducted agriculture, they "hunted all the Countrey over, and for the expedition of their hunting voyages, they burnt up all the underwoods in the Countrey, once or twice a yeare." Burning the woods, according to Williams, was an improvement that gave the Indians as much right to the soil as the King of England could claim to the royal forests. If the English could invade Indian hunting grounds and claim right of ownership over them because they were unimproved, then the Indians could do likewise in the royal game parks.⁵

It was a fair argument. Williams's opponents could only reply that English game parks were not just hunted but also used for cutting timber and raising cattle; besides, they said, the English King (along with lesser nobles holding such lands) performed other services for the Commonwealth, services which justified his large unpeopled holdings. If these assertions seemed a little lame, designed mainly to refute the technical details of Williams's argument, that was because the core of the dispute lay elsewhere. Few Europeans were willing to recognize that the ways Indians inhabited New England ecosystems were as legitimate as the ways Europeans *intended* to inhabit them. Colonists thus rationalized their conquest of New England: by refusing to extend the rights of property to the Indians, they both trivialized the ecology of Indian life and paved the way for destroying it. "We did not conceive," said Williams's opponents with fine irony, "that it is a just Title to so vast a Continent, to make no other improve-

ment of millions of Acres in it, but onely to burn it up for pastime."⁶

Whether denying or defending Indian rights of land tenure, most English colonists displayed a remarkable indifference to what the Indians themselves thought about the matter. As a result, we have very little direct evidence in colonial records of the New England Indians' conceptions of property. To try to reconstruct these, we must use not only the few early fragments available to us but a variety of evidence drawn from the larger ethnographic literature. Here we must be careful about what we mean by "property," lest we fall into the traps English colonists have set for us. Although ordinary language seems to suggest that property is generally a simple relationship between an individual person and a thing, it is actually a far more complicated social institution which varies widely between cultures. Saying that A owns B is in fact meaningless until the society in which A lives agrees to allow A a certain bundle of rights over B and to impose sanctions against the violation of those rights by anyone else. The classic definition is that of Huntington Cairns: "the property relation is triadic: 'A owns B against C,' where C represents all other individuals." Unless the people I live with recognize that I own something and so give me certain unique claims over it, I do not possess it in any meaningful sense. Moreover, different groups will permit me different bundles of rights over the same object. To define property is thus to represent boundaries between people; equally, it is to articulate at least one set of conscious ecological boundaries between people and things.⁷

This suggests that there are really two issues involved in the problem of Indian property rights. One is individual *ownership*, the way the inhabitants of a particular village conceived of property vis-à-vis each other; and the other is collective *sovereignty*, how everyone in a village conceived of their territory (and political community) vis-à-vis other villages. An individual's or a family's rights to property were defined by the community which recognized those rights, whereas the community's territorial claims were made in opposition to those of other sovereign groups. Distinctions here can inevitably become somewhat artificial. Because kin networks might also have territorial claims—both *within* and *across* villages—even the village is sometimes an arbitrary unit in which to analyze property rights: ownership

and sovereignty among Indian peoples could shade into each other in a way Europeans had trouble understanding. For this reason, the nature of Indian political communities is crucial to any discussion of property rights.

A village's right to the territory which it used during the various seasons of the year had to be at least tacitly accepted by other villages or, if not, defended against them. Territorial rights of this kind, which were expressions of the entire group's collective right, tended to be vested in the person of the sachem, the leader in whom the village's political identity at least symbolically inhered. Early English visitors who encountered village sachems tended to exaggerate their authority by comparing them to European kings: Roger Williams and John Josselyn both baldly asserted of New England Indians that "their Government is Monarchicall." Comparison might more aptly have been made to the relations between lords and retainers in the early Middle Ages of Europe. In reality, sachems derived their power in many ways: by personal assertiveness; by marrying (if male) several wives to proliferate wealth and kin obligations; by the reciprocal exchange of gifts with followers, and, especially in southern New England, by inheriting it from close kin. Although early documents are silent on this score, kin relations undoubtedly cemented networks both of economic exchange and of political obligation, and it was on these rather than more formal state institutions that sachems based their authority. As William Wood remarked, "The kings have not many laws to command by, nor have they any annual revenues."⁸

Polity had less the abstract character of a monarchy, a country, or even a tribe, than of a relatively fluid set of personal relationships. Although those relationships bore some resemblance to the dynastic politics of early modern Europe—a resemblance several historians have recently emphasized—they were crucially different in not being articulated within a state system. Kinship and personality rather than any alternative institutional structure organized power in Indian communities. Both within and between villages, elaborate kin networks endowed individuals with greater or lesser degrees of power. A sachem—who could be either male or female—asserted authority only in consultation with other powerful individuals in the village. Moreover, the sachem of one village might regularly pay tribute to the sachem

of another, thus acknowledging a loose hierarchy between villages and sachems. Such hierarchies might be practically unimportant until some major conflict or external threat arose, whereupon the communities assembled into a larger confederacy until the problem was solved. The result, like Indian subsistence patterns, entailed a good deal more flexibility and movement than Europeans were accustomed to in their political institutions. As the missionary Daniel Gookin indicated, it was a very shifting politics:

Their sachems have not their men in such subjection, but that very frequently their men will leave them upon distaste or harsh dealing, and go and live among other sachems that can protect them: so that their princes endeavour to carry it obligingly and lovingly unto their people, lest they should desert them, and thereby their strength, power, and tribute would be diminished.⁹

Insofar as a village "owned" the land it inhabited, its property was expressed in the sovereignty of the sachem. "Every sachem," wrote Edward Winslow, "knoweth how far the bounds and limits of his own Country extendeth." For all of their differences, a sachem "owned" territory in a manner somewhat analogous to the way a European monarch "owned" an entire European nation: less as personal real estate than as the symbolic possession of a whole people. A sachem's land was coterminous with the area within which a village's economic subsistence and political sanctions were most immediately expressed. In this sovereign sense, villages were fairly precise about drawing boundaries among their respective territories. When Roger Williams wrote that "the *Natives* are very exact and punctuall in the bounds of their Lands, belonging to this or that Prince or People," he was refuting those who sought to deny that legitimate Indian property rights existed. But the rights of which he spoke were not ones of individual ownership; rather, they were sovereign rights that defined a village's political and ecological territory.¹⁰

The distinction becomes important in the context of how such territorial rights could be alienated. Williams said that he had "knowne them make bargaine and sale amongst themselves for a small piece, or quantity of Ground," suggesting that Indians

were little different from Europeans in their sense of how land could be bought or sold. When two sachems made an agreement to transfer land, however, they did so on behalf of their two political or kinship communities, as a way of determining the customary rights each village would be allowed in a given area. An instructive example of this is the way Roger Williams had to correct John Winthrop's confusion over two islands which Winthrop thought Williams had bought from the Narragansett sachem Miantonomo. Williams had indeed gotten permission to use the islands for grazing hogs—a land transaction of sorts had taken place—but it was emphatically not a purchase. "Be pleased to understand," cautioned Williams, "your great mistake: neither of them were sold properly, for a thousand fathom [of wampum] would not have bought either, by strangers. The truth is, not a penny was demanded for either, and what was paid was only gratuity, though I choose, for better assurance and form, to call it sale." What had been transacted, as Williams clearly understood, was more a diplomatic exchange than an economic one. Miantonomo, like other New England sachems, had no intention of conducting a market in real estate.¹¹

That this was so can best be seen by examining how a village's inhabitants conceived of property *within* its territory. Beginning with personal goods, ownership rights were clear: people owned what they made with their own hands. Given the division of labor, the two sexes probably tended to possess the goods that were most closely associated with their respective tasks: women owned baskets, mats, kettles, hoes, and so on, while men owned bows, arrows, hatchets, fishing nets, canoes, and other hunting tools. But even in the case of personal goods, there was little sense either of accumulation or of exclusive use. Goods were owned because they were useful, and if they ceased to be so, or were needed by someone else, they could easily be given away. "Although every proprietor knowes his own," said Thomas Morton, "yet all things, (so long as they will last), are used in common amongst them." Not surprisingly, theft was uncommon in such a world.¹²

This relaxed attitude toward personal possessions was typical throughout New England. Chrétien Le Clercq described it among the Micmac of Nova Scotia by saying that they were "so generous and liberal towards one another that they seem not to

have any attachment to the little they possess, for they deprive themselves thereof very willingly and in very good spirit the very moment when they know that their friends have need of it." Europeans often interpreted such actions by emphasizing the supposed generosity of the noble savage, but the Indians' relative indifference to property accumulation is better understood as a corollary of the rest of their political and economic life. Personal goods could be easily replaced, and their accumulation made little sense for the ecological reasons of mobility we have already examined; in addition, gift giving was a crucial lubricant in sustaining power relationships within the community. As Pierre Biard noted, guests thanked their hosts by giving gifts that were expressions of relative social status, and did so "with the expectation that the host will reciprocate, when the guest comes to depart, if the guest is a Sagamore, otherwise not." Willingness to give property away with alacrity was by no means a sign that property did not exist; rather, it was a crucial means for establishing and reproducing one's position in society.¹¹

When it came to land, however, there was less reason for gift giving or exchange. Southern New England Indian families enjoyed exclusive use of their planting fields and of the land on which their wigwams stood, and so might be said to have "owned" them. But neither of these were permanent possessions. Wigwams were moved every few months, and planting fields were abandoned after a number of years. Once abandoned, a field returned to brush until it was recleared by someone else, and no effort was made to set permanent boundaries around it that would hold it indefinitely for a single person. What families possessed in their fields was the *use* of them, the crops that were produced by a woman's labor upon them. When lands were traded or sold in the way Williams described, what were exchanged were usufruct rights, acknowledgments by one group that another might use an area for planting or hunting or gathering. Such rights were limited to the period of use, and they did not include many of the privileges Europeans commonly associated with ownership: a user could not (and saw no need to) prevent other village members from trespassing or gathering nonagricultural food on such lands, and had no conception of deriving rent from them. Planting fields were "possessed" by an Indian family only to the extent that it would return to them the

following year. In this, they were not radically different in kind from other village lands; it was *European* rather than Indian definitions of land tenure that led the English to recognize agricultural land as the only legitimate Indian property. The Massachusetts Court made its ownership theories quite clear when it declared that "what landes any of the Indians, within this jurisdiction, have by possession or improvement, by subdueing of the same, they have just right thereunto, accordinge to that Gen: 1: 28, chap: 9: 1, Psa: 115, 16."¹⁴

The implication was that Indians did *not* own any other kind of land: clam banks, fishing ponds, berry-picking areas, hunting lands, the great bulk of a village's territory. (Since the nonagricultural Indians of the north had *only* these kinds of land, English theories assigned them no property rights at all.) Confusion was easy on this point, not only because of English ideologies, but because the Indians themselves had very flexible definitions of land tenure for such areas. Here again, the concept of usufruct right was crucial, since different groups of people could have different claims on the same tract of land depending on how they used it. Any village member, for instance, had the right to collect edible wild plants, cut birchbark or chestnut for canoes, or gather sedges for mats, wherever these things could be found. No special private right inhered in them. Since village lands were usually organized along a single watershed, the same was true of rivers and the coast: fish and shellfish could generally be taken anywhere, although the nets, harpoons, weirs, and tackle used to catch them—and hence sometimes the right to use the sites where these things were installed—might be owned by an individual or a kin group. Indeed, in the case of extraordinarily plentiful fishing sites—especially major inland waterfalls during the spawning runs—several villages might gather at a single spot to share the wealth. All of them acknowledged a mutual right to use the site for that specific purpose, even though it might otherwise lie within a single village's territory. Property rights, in other words, shifted with ecological use.¹⁵

Hunting grounds are the most interesting case of this shifting, nonagricultural land tenure. The ecological habits of different animals were so various that their hunting required a wide range of techniques, and rights to land use had to differ accordingly. The migratory birds in the ponds and salt marshes, for example,

That superb historian J. H. Parry opened a wide window with the comment that "Columbus did not discover a new world; he established contact between two worlds, both already old."²⁴ The word *contact* properly suggests the reciprocity of discovery that followed upon European initiatives of exploration; as surely as Europeans discovered Indians, Indians discovered Europeans. There are other subtleties of implication in *contact* that will be discussed a few pages farther on; its everyday meaning will do for present purposes. Initial contacts between Europeans and Indians were made in harbors or navigable rivers, and the circumstances sharpened each participant's consciousness of the differences between the two peoples. European technology boasted no more advanced product than oceangoing ships armed with cannon and furnished with charts and instruments of navigation.²⁵ We can hardly overestimate the shock of such an apparition to Indians gazing up at the wooden walls from their lowly canoes. Nor can we much exaggerate the contempt mixed with the curiosity of the seamen looking down. The contrast in power over material things increased when Indians saw the effect of firearms and compared steel implements with stone counterparts. Indians instantly felt themselves to be poor and craved a share of the vast wealth of their visitors. Reciprocally the Europeans envied the products of Indian specialized crafts. In the northern regions beyond Spain's control Europeans most coveted the fur pelts so casually tossed about by the natives. (The simple basis for all trade existed from the first: each party had something expendable that was wanted by the other.)

Prolonged contact between the two societies created interdependence and cultural change. Indian culture was revolutionized in at least six clearly identifiable ways. Because Indians preferred European implements and cloth to the products of their own neolithic crafts, they became involved in and dependent upon the European market economy. Competition for advantage in the market impelled them to unprecedented

24. Parry, *Spanish Seaborne Empire*, 65.

25. Parry, *Age of Reconnaissance*, chaps. 3, 4; Carlo M. Cipolla, *Guns, Sails and Empires: Technological Innovation and the Early Phases of European Expansion 1400-1700* (New York, 1965), 137-143.

large-scale warfare against each other and frequently to subservience toward their European trading partners. Firearms, obtainable only through trade and repairable only by the European smiths,²⁶ became the sine qua non of Indian existence, not only in warfare but in the commercial hunting that rose to dominance in Indian economy. Alcoholic drinks, introduced by the Europeans, created mass drunkenness and demoralization.²⁷ European diplomacy and religious missions worked schism and factionalism upon Indian institutions, and European expansion of colonization led to dispossession of Indians from their political territories and real property. The attritional long-term effects of these changes were magnified by the continuing ravages of epidemic disease through four centuries.]

To Europeans intercultural contact was more benign. Indians fed the earliest colonizers and taught them how to grow strange crops under new conditions of soil and climate. Indians guided explorers and traders over established trails and routes through the wilderness that was otherwise so mysterious and frightening to the newcomers, and Indians gave instruction in transportation and survival techniques. They stimulated European industry to greater production, particularly the textile industry so critical to the developing Industrial Revolution, by paying for its products with furs and hides; and the exorbitant profits of the Indian trade concentrated capital among merchants on both sides of the Atlantic. Indians conveyed improved lands—Europeans were uninterested in forest and swamp—in the form both of subsistence hunting parklands that had been cleared by burning over and of croplands and townsites that had been cleared by girdling trees and grubbing up their roots.

There was a fundamental disparity in the exchanges between Euro-

26. The rule was general but not absolute. Patrick M. Malone has documented some Indians' ability to repair firearms by cannibalizing parts and has identified a forge and skilled blacksmith among the Narragansetts. "Changing Military Technology among the Indians of Southern New England, 1600-1677," *American Quarterly*, XXV (1973), 56-58.

27. The phenomena reported in early records must not be confused with behavior observable today. Nancy Oestreich Lurie's studies of contemporary drunkenness among Indians indicate that it has become "an old, patterned form of recreational behavior [that] is managed and probably no more hazardous to health than karate, mountain climbing, or mushroom hunting." "The World's Oldest On-Going Protest Demonstration: North American Indian Drinking Patterns," *Pac. Hist. Rev.*, XL (1971), 331.

Management of alcohol is not the same thing as susceptibility to it. Recent experimentation establishes that, when Europeans, Indians, and Eskimos are infused intravenously with alcohol, the Indians and Eskimos are "significantly slower at metabolizing the alcohol." The experimenters concluded that genetic differences were probably the cause. "Eskimos, Indians Are Found to Metabolize Alcohol Slowly," *Medical Tribune*, XIV, No. 36 (Sept. 26, 1973), 31.

peans and Indians. After the Europeans had been taught how to make and use canoes, moccasins, buckskin clothing, and backwoods shelters, they could dispense with further Indian guidance. When Indians granted or sold lands, the territory became European forever. In return the Indians received trade goods but not the means or skills of making and repairing such goods themselves. Becoming addicted to European products, the Indians soon lost their own neolithic skills through disuse; bowmakers found no apprentices where hunters and warriors knew the advantages of guns, and an artisan gap of a single generation can wipe out a craft in an illiterate society. In the trade that thus came to dominate their economy, the Indians had no choice but to supply the commodities demanded by the Europeans. Apart from personal and military services, the Indians' only commodities of value were food, peltry, and lands. When European farms and herds began to flourish, the demand for Indian-produced food dropped off. Commercial hunting and the sale of lands perpetually depleted the stocks of the very commodities on which the Indians depended. Military services destroyed their bodies as well.]

Through such processes as these, the dependence of Europeans upon Indians declined, while the dependence of Indians upon Europeans increased. Social and political factors were involved as well, which will be noticed in due course, but underlying all others was European domination made possible by an exchange in which the Indian gifts were greater. Civilization was not brought from Europe to triumph over the Indians; rather the Indians paid a staggering price in lives, labor, goods, and lands as their part in the creation of modern American society and culture, and their influence upon today's Europe was not negligible.²⁸

The one sure truth in this long process is that both Indian and European societies underwent constant transformation and evolution throughout the centuries of their interaction. Francis Parkman's savage "hewn out of a rock"—the Indian who would not change—never existed but in an ideological stereotype.²⁹ Indians, like Europeans, could make certain choices about direction of change, and individual Indians did choose a wide variety of adjustments and experiments in their behavior, but the one choice never within their power was to stay exactly the same.

To say this is to state both a principle and a problem. If the principle

28. See, for example, two articles by A. Irving Hallowell: "The Impact of the American Indian on American Culture," *Am. Anthro.*, N.S., LIX (1957), 201-217, and "The Backwash of the Frontier: The Impact of the Indian on American Culture," in *The Frontier in Perspective*, ed. Walker D. Wyman and Clifton B. Kroeber (Madison, Wis., 1957), 229-258.

29. Francis Parkman, *The Conspiracy of Pontiac* (1851), New Library ed. (Boston, 1909), I, 48.

be true, the problem is to uncover successive layers of acculturation in order to see the societies as they were at time of contact; and the effort to solve the problem reveals ambiguities in the significance of *contact*. In the larger sense contact occurred between the whole of European society and the whole of Indian society on October 12, 1492. In both societies there were immediate reverberations throughout their continents. Europeans were stimulated to launch more ships and men, while disease and trade goods raced among the Indians far ahead of European explorers. People of each society who had never seen representatives of the other became conscious of each other and of each other's ways of conduct. Because of the resonance of first contact, subsequent behavior was modified on both sides, so that one cannot speak of the establishment of Roanoke colony, much less of Jamestown, as a contact in the same sense as the original one. The Powhatan who greeted John Smith was perhaps as knowledgeable in the ways of Europeans as Smith was about Indians. Yet in a sense permanent colonization by Europeans at any given site did inaugurate a new era there and so may properly be conceived as a contact period.

For clarity it seems advisable to distinguish between macrocontact and microcontacts. Students of ethnology, who place great importance on the data associated with a contact period, will do well to remember that such data vary in every microcontact case, partly because of repercussions from previous contacts. The historian's maxim of the uniqueness of events must here stand as a warning to theorists for whom all contacts were created equal. What Was in the Beginning has never again been quite the same.

ROXANNE DUNBAR ORTIZ,

15

LOADED: A DISARMING HISTORY OF
THE SECOND AMENDMENT.

TWO

SAN FRANCISCO, CA

SAVAGE WAR

CITY LIGHTS
BOOKS, 2018.

*So, if ever built, what will the United States Native
American Genocide Memorial Museum contain:
What will it exhibit?*

*It will be one room, a fifty-foot square with the same
large photo filling the walls, ceiling, and floor.
There will only be one visitor allowed at any one time.
There will be no furniture.*

*That one visitor will have to stand or sit on the floor:
Or lie on the floor if they feel the need.*

*That visitor must remain in that room for one hour.
There will be no music*

*The only soundtrack will be random gunshots from
rifles used throughout American history.
Reverberation.*

What will that one photo be?

*It will be an Indian baby, shredded by a Gatling gun,
lying dead and bloody in the snow.*

Sherman Alexie, from *You Don't Have
to Say You Love Me*¹

The violence of settler colonialism stems from the use of “savage war” and is related to the militias of the Second Amendment. “Savage war”—also called *petite guerre* in military annals, and Anglo-America’s “first way of war” by military historian John Grenier—dates to the British colonial period and is described as a combination of “unlimited war and irregular war,” and a military tradition “that accepted, legitimized, and encouraged attacks upon and the destruction of noncombatants, villages and agricultural resources . . . in shockingly violent campaigns to achieve their goals of conquest.”²

When compared to other countries that carried out colonial conquests in Africa, Asia, the Caribbean, and South America, the United States was not exceptional in the sheer amount of violence it imposed to achieve sovereignty over the territories it appropriated. The British colonizations of Canada, Australia, and New Zealand were equally genocidal. Extreme violence, particularly against unarmed families and communities, was an inherent aspect of European colonialism, always with genocidal possibilities, and often with genocidal results. What distinguishes the U.S. experience is not the amount or type of violence involved, but rather the historical narratives attached to that violence and their political uses, even today. From the first settlement, appropriating land from its stewards became a racialized war, “civilization” against “savagery,” and thereby was inherently genocidal. In the words of historian Richard Slotkin, “‘Savage war’ was distinguished from ‘civilized warfare’ in its lack of limitations on the extent of violence, and of laws for its application. The doctrine of ‘savage war’ depended on the belief that certain races are inherently disposed to cruel and

atrocious violence. Similar assumptions had often operated in the wars of Christian or crusading states against the Muslims in Europe and the Holy Land, and massacre had often enough accompanied such wars.”³

Military historian John Grenier offers an indispensable analysis of the white colonists’ warfare against the Indigenous peoples of North America. The way of war largely devised and enacted by settlers formed the basis for the founding ideology and colonialist military strategy of the independent United States, and this approach to war is still being practiced almost as a reflex in the twenty-first century.⁴

Grenier explains that he began his study after September 11, 2001, in the wake of the U.S. reversion to irregular warfare—savage warfare—in Afghanistan, then in Iraq, his goal to trace the historical roots of U.S. use of unlimited war as an attempt to destroy the collective will of enemy people, or their capacity to resist, employing any means necessary but mainly by attacking civilians and their support systems, such as their food supply. Today called “special operations” or “low-intensity conflict,” that kind of warfare was first used against Indigenous communities by colonial militias in the first British colonies of Virginia and Massachusetts. Those irregular forces, made up of landed settlers, sought to disrupt every aspect of resistance as well as to obtain intelligence through scouting and taking prisoners. They did so by destroying Indigenous villages and fields and intimidating and slaughtering unarmed women, children, and elders.⁵ These voluntary fighting crews made up of individual civilians—“rangers”—are the groups referenced as militias, as they came to be called, in the Second Amendment.

Grenier analyzes the development of the U.S. way of war from 1607 to 1814, during which all the architecture of the U.S. military was forged, leading to its extension and development into the present. Esteemed U.S. historian Bernard Bailyn labeled the period “barbarous,” but Bailyn, like most of his fellow U.S. historians, portrays the Indigenous defenders of their homelands as “marauders” that the European settlers needed to get rid of.⁶ From this formative period, Grenier argues, emerged problematic characteristics of the U.S. way of war and thereby the characteristics of its civilization, which few historians have come to terms with and many, such as Bailyn, justify as necessary.

During the late seventeenth century, Anglo settlers in New England began the routine practice of scalp hunting and “ranging.” By that time, the non-Indigenous population of the British colony in North America had increased six-fold, to more than 150,000 people, which meant that settlers were intruding on more of the Indigenous farmlands and fishing resources. Indigenous resistance followed in what the settlers called “King Philip’s War.” Wampanoag people and their Indigenous allies attacked the settlers’ isolated farms, using a method that relied on speed and caution in striking and retreating, and possessing of course a perfect knowledge of the terrain and climate.

The settlers scorned this kind of resistance as “skulking,” and responded by destroying Indigenous villages and everyone in them who could not escape, burning their fields and food storage. But as effective Indigenous resistance continued, the commander of the Plymouth militia, Benjamin Church, studied Wampanoag tactics in order to

develop a more effective kind of preemption or counterinsurgency. He petitioned the colony's governor for permission to choose sixty to seventy settlers to serve as scouts, as he called them, for what he termed "wilderness warfare," although they were attacking developed Indigenous villages and fields. In July 1676, the first settler-organized militia was the result. The rangers' force was made up of sixty male settlers and 140 already conquered Indigenous men. They were ordered to "discover, pursue, fight, surprise, destroy, or subdue" the enemy, in Church's words. The inclusion of Indigenous fighters on the colonists' side was not unique to British colonists in North America; rather, the practice has marked the character of European colonization and occupations of non-European peoples from the beginning. The settler-rangers could learn from their Native aides, then discard them. In the following two decades, Church perfected his evolving methods of annihilation, and those methods spread as more colonies were established.⁷

The Native people of New England continued to fight back by burning British settlements and killing settlers or capturing them for ransom. As an incentive to recruit fighters, colonial authorities introduced a program of scalp hunting that became a permanent and long-lasting element of settler warfare against Indigenous nations.⁸ During the Pequot War, Connecticut and Massachusetts colonial officials had offered bounties initially for the heads of murdered Indigenous people and later for only their scalps, which were more portable in large numbers. But scalp hunting became routine and more profitable following an incident on the northern frontier of the Massachusetts colony. The practice

began in earnest in 1697 when settler Hannah Duston, having murdered ten of her Abenaki captors in a nighttime escape, presented their ten scalps to the Massachusetts General Assembly and was rewarded with bounties for two men, two women, and six children.⁹ However, it would be only in the 1820s that the Duston story was revived, and she was made famous as the first Euro American woman in North America to be celebrated with a statue. Duston was very famous for a few years after 1697, at the time of her escape from captivity, and her bloody scalp trophies were highly publicized at the time, but she had been pretty much forgotten until stories about her began to appear in print and increased in numbers through the 1880s. Not just one, but three major monuments were erected in her honor. Lionized as a folk hero, Duston and her story were employed during the continuing bloody and genocidal wars against Native peoples to characterize settler and Army violence as defensive and virtuous, necessary, even feminine.¹⁰

Scalp hunting became a lucrative commercial practice from the early eighteenth century onward. The settler authorities had hit upon a way to encourage settlers to take off on their own or with a few others to gather scalps, at random, for the reward money. "In the process," John Grenier points out, "they established the large-scale privatization of war within American frontier communities."¹¹

In the beginning, Anglo settlers organized irregular units to brutally attack and destroy unarmed Indigenous women, children, and old people using unlimited violence in unrelenting attacks. During nearly two centuries of British colonization on the Atlantic shore of North America,

generations of settlers gained experience as “Indian fighters” outside any organized military institution. The Anglo-French conflict may appear to have been the dominant factor of European colonization in North America during the eighteenth century, but while large regular armies fought over geopolitical goals in Europe, Anglo settlers in North America waged deadly irregular warfare against the Indigenous communities.

Much of the fighting during the eight-year settlers’ war for independence, especially in the Ohio Valley region and western New York, was directed against Indigenous resisters who realized it was not in their interest to have a close enemy of Indian-hating settlers with their own independent government, as opposed to a remote one in Great Britain with wider global interests. Nor did the fledgling U.S. military in the 1790s carry out operations typical of the state-centered wars occurring in Europe at the time. Even following the founding of the professional U.S. Army in the 1810s, irregular warfare was the method used by the U.S. to conquer the Ohio Valley and Mississippi Valley regions. Since that time, Grenier notes, irregular methods have been used in tandem with operations of regular armed forces. The chief characteristic of irregular warfare is that of extreme violence against civilians, in this case the tendency to pursue the utter annihilation of the Indigenous population. “In cases where a rough balance of power existed,” Grenier observes, “and the Indians even appeared dominant—as was the situation in virtually every frontier war until the first decade of the 19th century—[settler] Americans were quick to turn to extravagant violence.”¹²

Many historians who acknowledge the exceptional one-sided colonial violence attribute it to racism. Grenier argues that rather than racism leading to violence, the reverse occurred: the out-of-control momentum of extreme violence of unlimited warfare fueled race hatred.

Successive generations of Americans, both soldiers and civilians, made the killing of Indian men, women, and children a defining element of their first military tradition and thereby part of a shared American identity. Indeed, only after seventeenth- and early eighteenth-century Americans made the first way of war a key to being a white American could later generations of “Indian haters,” men like Andrew Jackson, turn the Indian wars into race wars.¹³

By then, the Indigenous peoples’ villages, farmlands, towns, and entire nations formed the only barrier to the settlers’ total freedom to acquire land and wealth:

U.S. people are taught that their military culture does not approve of or encourage targeting and killing civilians and know little or nothing about the nearly three centuries of warfare—before and after the founding of the U.S.—that reduced the Indigenous peoples of the continent to a few reservations by burning their towns and fields and killing civilians, driving the refugees out—step by step—across the continent. . . . [V]iolence directed systematically against noncombatants through

irregular means, from the start, has been a central part of Americans' way of war.¹⁴

Most military historians ignore the influence that the "Indian Wars," waged from 1607 to 1890, had on subsequent U.S. military operations. In his history of American "savage wars," *The Savage Wars of Peace: Small Wars and the Rise of American Power*, counterinsurgent war enthusiast Max Boot does not even mention the Indian Wars as being related to his thesis.¹⁵ As Grenier notes, "Historians normally dismiss backcountry settlers' burning of Indian villages and fields as a sideshow to the Army's attempt to mold itself into a force like those found in Europe. Yet, the wars of the Upper Ohio Valley and on the Tennessee and western Georgia frontiers are vitally important to understanding the evolution of Americans' military heritage."¹⁶

Those wars are also vitally important to understanding one of the two rationales for the Second Amendment: The white settlers were clear in declaring that their intentions were to drive the Indians from lands on the western side of the mountain ranges and to claim those lands as their own. Andrew Jackson's career arc personifies this dance of settler militias and the professional army. Jackson was born in 1767 in a Scots-Irish community on the North Carolina border with South Carolina. His father died in an accident a short time before he was born. Raised poor by a single mother, at age thirteen Jackson became a courier for the local regiment of the frontier secessionists in their war of independence from Britain. Jackson's mother and brothers died during the war, leaving him an orphan with

no family. He studied law and was admitted to the bar in the Western District of North Carolina, which would later become the state of Tennessee. Through his legal work, most of which related to disputed settler claims to Indian lands, he acquired a plantation near Nashville and enslaved 150 people for use as labor. He helped usher in Tennessee as a state in 1796. As the most notorious land speculator in western Tennessee, Jackson enriched himself by annexing a portion of the Chickasaw Nation's farmlands. It was in 1801 that Jackson first took command of the Tennessee militia as a colonel and began his ruthless Indian-killing military career, driving the Muskogee Nation out of Georgia. In the aftermath of "the Battle of Horseshoe Bend," as it is known in U.S. military annals, Jackson's troops fashioned reins for their horses' bridles from skin stripped from the Muskogee people they had killed, and they saw to it that souvenirs from the corpses were given "to the ladies of Tennessee." Following the slaughter, Jackson justified his troops' actions: "The fiends of the Tallapoosa will no longer murder our women and children, or disturb the quiet of our borders. . . . They have disappeared from the face of the Earth."¹⁷

In 1818, President James Monroe ordered Andrew Jackson, by then a major general in the U.S. Army, to lead three thousand soldiers into Florida, at the time part of the Spanish Empire, to crush the Muskogee-led Indigenous Seminole guerrilla resistance. The Seminoles did not agree to hand over any Africans who had escaped from their white enslavers. The United States annexed Florida as a territory in 1819, opening it to settlement. In 1821 Jackson was appointed military commander of Florida Territory.

Jackson carried out the original plan envisioned by the founders—particularly Jefferson—initially as a militia leader, then as an army general who led four wars of aggression against the Muskogee Creek and Seminoles in Georgia and Florida, and finally as a president who engineered the forced expulsion of all Native peoples east of the Mississippi to the designated “Indian Territory.” As historian Alan Brinkley has observed, Jackson’s political fortunes depended on the fate of the Indians—that is, their eradication.

Richard Slotkin describes a mystique that developed around the persona of the ranger, involving a certain identification with the Native enemy, marking the settler as original American rather than European. “By dressing and fighting as Indians, the ranger appropriated the savage’s power and American nativity for himself and turned it against both savage and redcoat.”¹⁸ Following independence, this mystique became a part of popular culture, as well as military culture.

The formation of the Texas Rangers to extinguish Native presence in Texas after Southern slavers took it from Mexico magnified their mystique. Following the independence of Mexico from Spain in 1821, the territory of Mexico comprised the provinces of California, New Mexico (including Arizona and Colorado), and Texas, even though much of that territory was never actually settled by the Spanish, particularly the huge province of Texas. Mexico established “colonization” laws that allowed non-Mexican citizens to acquire large swaths of land under land grants that required development, and implied eradication of the resident Native people. By 1836, nearly forty thousand U.S. Americans, almost all of them Cotton Kingdom slavers, had

moved to south Texas. Their ranger militias were a part of the settlement, and in 1835 were formally institutionalized as the Texas Rangers. Once they were state funded and sponsored, they were tasked with eradicating the Comanche nation and all other Native peoples from Texas, what historian Gary Clayton Anderson calls the “ethnic cleansing of Texas.”¹⁹ Mounted and armed with the newest killing machine, the five-shot Colt Paterson revolver, they used it with dedicated precision.

While continuing violent counterinsurgency operations against Comanches and other Indigenous communities, the Texas Rangers played a significant role in the U.S. invasion of Mexico in 1846–48. As seasoned counterinsurgents, they guided U.S. Army forces deep into Mexico, engaging in the battle of Monterrey. Rangers accompanied General Winfield Scott’s army by sea; took part in the siege of Veracruz, Mexico’s main commercial port city; then marched on, leaving a path of corpses and destruction to occupy Mexico City, where the citizens called them Texas Devils, as the Rangers roamed the city terrorizing civilian residents. Brutalized by yet another foreign power, Mexico ceded the northern half of its territory (including the illegally Anglo-occupied Texas) to the United States. Texas became a state of the United States in 1845, seceding to join the Confederacy in 1860. The Texas Rangers returned to warring on Native communities and harassing resistant Mexicans.

During the second half of the nineteenth century, the Army of the West continued to combat the peoples of the Southwest and of the Northern Plains to the Pacific, formerly a part of Mexico. Military analyst Robert Kaplan

challenges the concept of Manifest Destiny, arguing “it was not inevitable that the United States should have an empire in the western part of the continent.” Rather, he argues, Western empire was brought about by “small groups of frontiersmen, separated from each other by great distances.” These groups were the continuation of settler “rangers” that destroyed Indigenous towns, fields, and food supplies. Kaplan downplays the role of the U.S. Army compared to the settler vigilantes, which he equates to modern Special Forces, but he acknowledges that the regular army provided lethal backup for settler counterinsurgency in slaughtering the buffalo, thus disrupting the food supply of Plains peoples, as well as making continuous raids on settlements to kill or confine the families of the Indigenous fighters. Kaplan summarizes the genealogy of U.S. militarism today: “Whereas the average American at the dawn of the new millennium found patriotic inspiration in the legacies of the Civil War and World War II, when the evils of slavery and fascism were confronted and vanquished, for many commissioned and noncommissioned officers the U.S. Army’s defining moment was fighting the ‘Indians.’”²⁰

Although the U.S. Constitution formally instituted “militias” as state-controlled bodies that were subsequently deployed to wage wars against Native Americans, the voluntary militias described in the Second Amendment entitled settlers, as individuals and families, to the right to combat Native Americans on their own. However, savage war was also embedded in the U.S. Marines, established at independence, as well as the Special Forces of the Army and Navy, established in the mid-twentieth century. The Marine

Corps was founded in 1775, a year after the thirteen colonies formed the Continental Congress and Army, a year before the Declaration of Independence, thirteen years before the U.S. Constitution was ratified forming the state, and twenty-three years before the U.S. Navy was founded. The following year, the Marines made their first landing, capturing an island in the Bahamas from the British, what in Marine Corps history is called "Fort Nassau." In action throughout the Revolutionary War, the Marines were disbanded in 1783 and reorganized in 1794 as a branch of the United States Navy.

The character of a Marine is that of the colonial ranger, created for counterinsurgency outside U.S.-secured territory. The opening lyric of the eternal official hymn of the U.S. Marine Corps, composed and adopted in 1847, soon after the invasion of Mexico and during the occupation, is "From the Halls of Montezuma to the shores of Tripoli." Tripoli hearkens back nearly a half century to the "Barbary Wars" of 1801–15, when the Marines were dispatched to North Africa by President Thomas Jefferson to invade the Berber Nation, continuing this aggression, shelling the city, taking captives, and marauding for nearly four years, ending with the 1805 "Battle of Derna." It was there they earned the nickname "leathernecks" for the high collars they wore as defense against the Berbers' saber cuts. This was the "First Barbary War," the ostensible goal of which was to persuade Tripoli to release U.S. sailors it held hostage and to end what the U.S. called "pirate" attacks on U.S. merchant ships. Actually, the Berbers were demanding that their sovereignty over their territorial waters be respected. The Berbers did not

give up their demands, and the Marines were withdrawn, returning a decade later, in 1815–16, for the “Second Barbary War,” which ended when Pasha Yusuf Karamanli, ruler of Tripoli, agreed not to exact fees from U.S. ships entering their territorial waters. This was the first military victory of U.S. “gunboat diplomacy,” as it came to be called nearly a century later, when historians mark the beginning of U.S. overseas imperialism. The Marines and military historians know better.

The Marine Corps’s second large engagement was the Second Seminole War, which raged from 1835 to 1842 in Florida, the longest war in U.S. history until Vietnam. The Second Seminole War during the Jackson administration has been identified with the extraordinary leader of the Seminole resistance, Osceola. It was all-out war with the Army, Navy, and Marine Corps involved. Although, they succeeded in killing Osceola, they lost the war as the Seminoles would not hand over the Africans who had escaped their slavers, which is what the United States demanded of them. The military did succeed in deporting captives, mostly women, children, and old men, to Indian Territory. Armed forces returned to try again in 1855, waging the Third Seminole War, but after four years of siege, lost again. Soon after, the Civil War and the abolition of slavery made further war against the Seminoles unnecessary.

Of course, the Marine Corps is associated with “the halls of Montezuma,” lyrics from their trademark hymn composed while they occupied Mexico City in 1847. While the U.S. Army invaded and occupied what is now California, Arizona, and New Mexico, the Marines invaded by sea and

occupied Veracruz, using counterinsurgency tactics in their march to Mexico City, burning fields and villages, murdering and torturing civilian resisters. They occupied Mexico City, along with Army divisions, until the Mexican government, under brutal occupation, signed a dubious treaty transferring the northern half of Mexico to the United States. In Marine Corps annals, the 1847 “Battle of Chapultepec” is legion, a battle in which a handful of teenage Mexican cadets—the Chapultepec Castle was used as a military training school—with few weapons and little ammunition held off the Marines, killing most of them over two days of endless fighting in the castle, until the cadets themselves were dead and the remaining Marines raised the U.S. flag and wrote their hymn, tracing their genealogy to the invasion and occupation of Tripoli.

In a 2017 portrait of President Donald Trump’s secretary of defense, retired Marine Corps general James “Mad Dog” Mattis, journalist Dexter Filkins writes that Marines see themselves as a kind of warrior caste with “toughness under fire, and savagery in battle. Being much smaller than the Army, its budgets are skimpier and the equipment sometimes antiquated, while its fighters are often pitched into terrible conditions. But, the Marines take their scant resources as a source of pride. Where the Army scatters recruits across a vast institution that includes accountants and mechanics who have little contact with the harsher realities of military work, every Marine is trained as a rifleman, a combatant.”²¹

Later in the century, Marine actions, particularly the infamous war in the Philippines, and others up to the present, are well known, but they themselves take pride in their

origins, which most U.S. Americans, including leftists, know little or nothing about. If they did, they would have to reconsider the overlooked violence in the nation's founding narratives.

The United States is a militarized culture. We see it all around us and in the media. But, as military historian John Grenier notes, the cultural aspects of militarization are not new; they have deep historical roots, reaching into the nation's racist settler past and continuing through unrelenting wars of conquest and ethnic cleansing over three centuries. Grenier writes, "Beyond its sheer military utility, Americans also found a use for the first way of war in the construction of an 'American identity.' . . . [T]he enduring appeal of the romanticized myth of the 'settlement' (not calling it conquest) of the frontier, either by 'actual' men such as Robert Rogers or Daniel Boone or fictitious ones like Nathaniel Bumppo of James Fenimore Cooper's creation, points to what D.H. Lawrence called the 'myth of the essential white American.'"²²

The astronomical number of firearms owned by U.S. civilians, with the Second Amendment considered a sacred mandate, is also intricately related to militaristic culture and white nationalism. The militias referred to in the Second Amendment were intended as a means for white people to eliminate Indigenous communities in order to take their land, and for slave patrols to control Black people.

THE GENOCIDE OF A GENERATION'S IDENTITY

Gabriel Horn

One of the defining moments that set me on the path of my Indian life occurred nearly forty years ago, when I was a teenager. Not unlike many teenagers today, I had been living in self-exile from a fragmented and uprooted past. My two uncles owned a home just north of the city of Tampa, near the place where the Second Seminole War had begun when Osceola rescued his people as they were boarding ships docked in Tampa Bay. Government soldiers and bounty hunters were busy selecting from the group the darkest men and women for the reward they would receive from slave owners for runaway slaves. From his place of hiding, Osceola observed that some of these people were those the Seminoles had adopted and those Osceola regarded as Seminoles. Osceola led the attack that would free them all and begin another war against genocide that has never formally ended. His courage then affirms the spirit of what it means to be Indian now.

Irony and coincidence do not just accidentally come to pass in the Wheel of Life, and my living in this place with my two traditional Indian uncles at this important and impressionable time for me was simply the way it happens when we live within the sacred Wheel. These two Indian uncles heeded their responsibility to the future of our People. They helped to raise their young nephew, involving themselves deeply in my welfare. They encouraged my

academics but also focused on my Indian education. In many ways, they saved me, too, from the white man's civilized world because they loved me, and I was the future.

They taught me about the Great Mystery, the essential concept of Native American belief. Over time I would learn the significance of understanding this indefinable and incomprehensible totality that always was and always will be, and that without this understanding there exists no way to truly comprehend what it means to be an Indian. I would learn from my traditional uncles, and later from my experiences as a teacher of the People, that this concept of the Great Mystery remains the essence of *Gichie Manido*, *Wakan Tanka*, *Sakoiatisan*, and *Wah-kon-tah*. As a man and a student of history, I would also learn that cultural genocide begins when one people robs the religious views of another people through indoctrination and fear, and how the practitioners of Christianity made every effort imaginable to impose their anthropomorphic God on Indian children, stealing our future of the most precious and vital view of life and of the world and of the universe.

But my two uncles would do even more than teach me about the Great Mystery and save me from cultural genocide. They would especially care for the part of my Indian identity that I was about to be taught did not come in parts and percents of blood or from a tribal enrollment number and government legislation. They would introduce me to my Native heart.

By the time I had reached my middle teens, I had become uncomfortably accustomed to people I hardly knew, or even knew at all, asking me personal questions about my racial and cultural identity. From teachers to counselors to my peers, even to complete strangers, I seemed to attract such curiosity. Today these kinds of interrogations affect so many urban Indians of racially mixed ancestry, and they do not always come from curious and

misguided white and black people. The personal assaults on our identities now even come from our own people. Whether these questions are asked with a kind intention or a cruel one does not make them any less of an intrusion. Now, of course, I can call upon any number of quick responses to fit the situation and help control such rudeness and lack of cultural etiquette on the part of the inquisitors.

Back then, however, when I was still so young, I could respond to the dominant society in which I lived only based on ways I could understand, ways that would be most acceptable, ways that did not incorporate a traditional perspective, a perspective that Osceola must have known well. I mean, what could I know? What could any urban Indian kid know, cut off from his or her past, living in the white man's world? Just about the time when my uncles embraced me, so much of my knowledge about who I was fell under the influence of how that white man's world portrayed Native People.

Are you a real Indian? How much Indian are you? What kind of Indian are you? You can't be full Indian. These questions and statements dogged me then, and they dog me now. Only forty years ago they snapped and nipped away at a boy's identity even as he headed for the path of heart. Like so many young Indians then and today, I was only a kid trying to find a niche in the world and escape the government and self-inflicted cultural genocide that one day in the not too distant future may show the Indian on paper as not existing at all.

As I struggled not to accept the discomfort that always accompanied these questions, my mind's eye often involuntarily flashed on the infamous local Indian caricature. He was a popular and stupid-looking image of a bucktoothed Indian whose smile and goofy red-painted face appeared all over the city and epitomized the

concept of cultural genocide. The comical creature was often pictured bashing in his own head with an anvil, an advertiser's catchy display for the compounding interest rate of the rich and well-established Seminole Bank of Tampa. His exaggerated and stereotypical features stand strikingly similar to the present day Cleveland Indians baseball mascot, Chief Wahoo. In the same dark spirit of cultural genocide, this abomination was named Savvy Seminole. In the superficial reasoning of racism perpetuated by the Cleveland Indians baseball team and its fans, the Seminole Bank's executives would one day explain to me in front of TV cameras and news media that the depiction of Savvy Seminole never was intended to be racist, quite the contrary. For example, they had explained that the name Savvy means business smart. Affirming their nonracist intentions, they said that it was not the same kind of Savvy as in Savage Sam, Florida State University's mascot.

As I look back at my life now, I am certain that other degrading images and names of Native People, like Redskins, had already filtered through my mind and self-image when I was so small I could not yet walk, but then, that is an effect of cultural genocide. However, it was Savvy Seminole who really made me knowingly ashamed, aware, and angry at the philosophy and the people that created and accepted him.

Often, Savvy Seminole would mock me from area billboards on my way to school. He would peer down at me with those distorted eyes bulging over that big-nosed, hideous face while I sat for a traffic light at a busy intersection in the passenger seat of my uncle's old car, checking the side-view mirror for the shape and size of my own nose.

Just a few years ago I remember showing my youngest son a photo I had taken of him, one I thought particularly handsome. I remember hearing him say from his bedroom how big his nose

looked in the picture. I remember how his words squeezed my heart so tight, I thought it would burst. I remember how the hatred for those images and the people who knowingly perpetuated them burned stronger in me than ever.

Savvy Seminole was how civilized white and black people living in America thought of Indians then, and still in many ways choose to think of Indians now. The rationalization of cultural genocide is simple. Americans need to have these images and names in order to deny their history, for a history wrought with genocide and a democracy riddled with evil must be denied or the foundation of the United States would crumble. American images such as Chief Wahoo and Savvy Seminole enable the oppressors more easily to accept the stealing of a people's continent and inflicting genocide upon its Native inhabitants. When I think back to forty and fifty years ago, those images and names pained me in ways I cannot even know now. What I do know is that I became aware that this was how I feared the white man's world would always see me even though at the same time what I still longed to be more than anything else was an Indian like my elder uncles.

And so, through my own journey as a teenager, seemingly always shadowed by a city, perhaps I can shed some light on the shadows of that world, returning to those days that helped to shape my Indianness, even as I was being torn apart.

Savvy Seminole tormented me every time I went through the city. Indians still see him now in some form on ESPN or on *Monday Night Football* or in a baseball context or comically referred to on sitcoms. At that time in my teenage years, Savvy's face was just another Indian face plastered all over town, but he did not resemble my uncles. He did not resemble me any more than Savage Sam or Chief Wahoo or any other Indian mascot resembles my beautiful daughter or my handsome sons. They do not

resemble my wife. Such racially and culturally demeaning images cannot reflect what I have seen in the physical features of any young or elderly Native American living today within the artificial boundaries of urban and rural America. Such racism degrades not only the victim but also those not intelligent enough to recognize and respect the beauty in other people or even other forms of life.

Humiliation of the Indian elevates the white man's and black man's status in America and their own distorted sense of identity. Humiliation, though, can eventually turn to rage, and that rage would fuel my warrior spirit until one day I would lead a protest in the city against the Seminole Bank for perpetuating racist stereotypes of American Indians. I would carry out an attack against the bank and its president and board of directors, those responsible for Savvy Seminole's existence, and I would finally kill that symbol once and for all.

And yet it was during the negotiations when I realized that this was, in fact, how the white man looked at me, or how he did not look at me whenever he spoke. I had seen that look on the faces of my teachers. I have seen it since on the faces of prospective employers. I have seen that look on the faces of fat-cat politicians. Then I noticed how the white man looked at Indians when the Jewish president of the bank would not look at me. Even as I confronted him, he declared to the reporters that he was a victim of prejudice himself. I'm a Jew, he said. Certainly I am sensitive to these issues of prejudice. I noticed that neither he nor any of the bank's executives would speak to me but chose, rather, to direct their statements to others who had participated in the protest who were not Indians: the student government representative from the local university, a professor, a minister, and those of the media writing the stories.

It was the first time I recall hating myself and hating them. It

would become a hatred that would fester like a disease in my mind and body and would be the major factor in my attempted suicide at the age of twenty-three. Perhaps, in a similar way, at the very least, this kind of degradation remains a contributing cause for the countless other young Indian suicides because it has to do with self-image. Though my own attempted suicide would fail, the rage of my youth would persist into my latter years, and as a man it would threaten to take my life, burning holes in my stomach and devouring the organ, which filtered my bitterness.

While standing on the patio of my uncles' house one day, a new kid in the area stopped by with a Cherokee girl from school whom I liked. I had learned she was Cherokee during the two times we talked outside of school. I understood that through conversing with people, we get to know each other without asking personal questions but, rather, allowing one another to share what we choose to share. I guess the boy with her had heard that I was Indian and wanted to put me in an uncomfortable position in front of this pretty girl, thereby elevating his own status, which always seems to be the way it is when people put other people down or try to make other people feel displaced and inferior.

"How much Indian are you?" he asked. It was a question designed to demean. It was a question that I would discover as a writer and teacher haunted the minds and hearts of too many young Indians all across America. I remember dealing with this assault on our identities in American Indian movement survival schools. Young Indians of all ages, colors, and tribes would come to the AIM schools and learn that being Indian did not simply mean the color of one's eyes and hair or hue of skin. I also remember dealing with identity police as the cultural arts director of the Minneapolis American Indian Center. I remember the beautiful Indian children I would visit as a writer in urban schools on

the Northwest Coast. I can smile now at the diversity of their looks, and how they each replied in their circles how much Indian they were, and how I helped us laugh at such a ridiculous idea.

How much Indian are you? I have heard it from white people and black people. I have heard the question from the mouths of bureaucratic and government-defined Indians protecting the casino cash. It was and is a question that comes from a civilized world and philosophy that has us surrounded and sometimes feeling overwhelmed.

As that boy tried to take me off guard, I glanced at the girl I liked and looked down at my sandals. The sandy earth always seemed to comfort me. It felt good standing there in the backyard of my uncles' house on the skin of Mother Earth, even if I did not yet know the words Mother Earth.

Ever since I began struggling for a place in the civilized world, I had sought the approval of that world. Still, I wanted to be fair to the Indian world that had loved me. I knew that I had ancestry in my blood that was not Indian, but I also knew that I loved my uncles and had their Indian blood in me. At this point in my young life the degradation of not knowing exactly what percent Indian blood would racially and culturally define me, and having to fight back such ugly images as Savvy Seminole, I responded the way I thought most clever. "I'm half," I said, my brown eyes squinting defiantly at my young enemy. I truly believed that my response would satisfy all considerations. Having been so proud I thought it up, I answered again, "I'm half."

He did not seem prepared for that reply, so he sneered. The pretty girl seemed intrigued. One of my uncles, though, had heard the brief discussion that took place that afternoon right outside the window, and when I stepped into his study that evening, he called me to the table, where he was reading and sipping black coffee.

"Gabriel," he asked, gesturing with his free hand, "which half of you is Indian? Which half isn't? Is it your upper half or your lower half? Your back half or your front? Well?" he said, seeming to grow somewhat impatient. "Which one is it?"

For a brief moment I actually pondered the answer and considered the possibilities. Then, suddenly, I felt silly, and I am certain my expression reflected this, because those penetrating sky-blue eyes of his smiled. I shrugged and I told him that I could not answer his question. Then his lips tightened into seriousness, and he asked me to shut my eyes. I did as he wished and stood there in the darkness.

"What does your heart tell you, Gabriel? What does your heart tell you, Indian or white?"

My automatic reply sprang without haste and burst into the spoken word. "Indian," I said, opening my eyes.

He sat back in his chair. "Gabriel," he said, "then that is what you are. Our People do not come in percent of blood. Our People do not come in parts. You can't be part this, part that. You either are Indian or you are not Indian at all."

And so I was forever set on the path of heart.

I wonder sometimes, though, how many times this heart can broken. I know so many young Indian women who have given birth while still teenagers. I know that they give their children birth names like Donald and Raymond and Robert and Rebecca rather than Native names that could help guide the children in the Circle of Life. Of course, giving a child an Indian name would require responsibility and selflessness on the part of the parents. I know Indian males still in their teens who have three and four children with as many young girls. Just as giving birth does not define a mother, neither does seeding life define a father, so another generation of Indians whose greatest treasure was always the children becomes further fragmented and removed from its heritage.

Attending urban powwows, or even returning to the reservation for powwows, cannot fulfill these urban Indians when their own people pause to honor an American flag circling the arena while a dancer in the uniform of the oppressor holds it, dancing. Neither can the Indian gangs find fulfillment hanging around outside the circle selling dope, or just hanging around looking for something they cannot define.

And what can be even more threatening to our future is that too often, greedy tribal governments, not wanting to open tribal roles to share tribal responsibility, do not recognize many of these children, who are often born in urban hospitals, as Indians. Neither does the federal government, leading me to think that our own people have joined that government and now take part in this kind of paper genocide. But what is an Indian anyway? Simply having Indian blood computed on a tribal ID card does not define an Indian. Of this I can be certain. Then perhaps, with children being born in urban areas to Indian teenagers with little understanding of motherhood and fatherhood, and with paper genocide continuing among tribal officials, we have assumed the role of our oppressor and carry out genocide against ourselves.

Perhaps the real in-my-face awareness of our genocide occurred not too long ago when my uneducated and unemployed teenage nephew pulled over to say hello to me. He was driving his new Cadillac. He had showed the car to me once before. It had a TV set mounted to the dash along with a CD changer hooked up to a stereo with speakers occupying the entire rear of the car. Eminem rap rattled the car's grille as the dark power window slid farther down, revealing a kid I loved but who was too confused himself even to know who he was. I could see a designer logo across his T-shirt, while on his head he sported a Cleveland Indians baseball cap.

My heart squeezed and my breath seemed momentarily suspended. Perhaps in some way he was I and I was my uncle. He was the future now, and this time I was the link to the past. I guess every age has its situations. Every age has its challenges. I shook my head slowly as my lips tightened. Then I forced a smile. "*Ah-neen*," I said, greeting him in the language of his ancestors.

I know that genocide remains the most perverse human act. It eradicates entire peoples. It annihilates whole cultures. It rips beauty, wisdom, and understanding from the world and robs a people of its identity.

Thus, when it comes to the act of genocide, I also know there can be no alternative to finding ways to fight for life. As long as there are those among us who believe in the old ways of seeing and being, there can be no surrender to genocide. Ever!

INTRODUCTION TO COLONIAL VIRGINIA

Early 17th century England was in the midst of dramatic changes, its commercial gradually transforming a sleepy backwater in the world economy to a colossus astride it. Critical to this transformation was a process that continues today in several countries: the “rationalization” of agriculture. In short, this meant that land usage became more oriented toward a regional (or larger) market rather than localized subsistence farming. Subsequently, waves of peasants were pushed off the land as large landholders consolidated their control over common lands which had been used for grazing, fuel, and gathering by local folks. This process—known as the “enclosure movement”—turned quasi-public land into private sheep pastures and similar endeavors that required far less labor than that which was available. England thus became a place both of expanding profits and turmoil, as there was too little gainful labor for its people. Dislocated from their agricultural roots, a flotsam of humanity eked out an existence from intermittent labor and thievery. It was said by the elite that Englishmen would rather drink than eat, and starve than work, and while this statement reflected the disappointment that employers found with their laborers, demands for greater worker discipline were keenly resisted by peasants who were reared in a far more leisurely pace of labor than that which England’s budding capitalists were trying to impose. One might consider Chaucer’s England, ribald and cantankerous, resisting the changes that would eventually create Dickens’s Ebenezer Scrooge, all profit and no fun. Workers, too, were all too aware of a central paradox in the English system: those at the top (“Gentlemen”) rejected manual labor as beneath their dignity, thus providing poor models for the workers whom they wished to discipline.

Hence, England’s emergence as a world power was accompanied by great internal disorder as London’s population surged. One antidote to the perceived chaos was the Puritan variation of Protestantism, with its emphasis on self-discipline, delayed gratification, and the sanctity of labor (and far fewer holidays than the traditional Catholic calendar). If people could simply behave better, following God’s plan, order could follow. Another potential solution lay across the Atlantic Ocean, north of the highly profitable Spanish colonies in the Americas. The English hoped to mimic the Spanish haul of silver and gold, bringing the indigenous population to submission in the process. If successful, these colonies would stem the Spanish advance into North America, and receive England’s “surplus” population, particularly of young unemployed men, the source of great concern in historical England as they are in many societies today.

The beginnings of English settlement in America, following a century of fishing expeditions, were off the Outer Banks of North Carolina, a promising spot for pirates to launch raids on the silver-laden Spanish fleet. Various difficulties immediately ensued, including the burning to death of an Indian leader after a silver cup was found missing by the settlers (a rather bad sign for the racial harmony that Englishmen—in England, at any rate—had envisioned.) A breakaway group set up camp in Roanoke, Virginia in 1585, but this settlement was empty when English returned two years later. The story of the

“lost colony” has elicited all manner of theories regarding the disappearance, including absorption by local tribes, mass slaughter, and starvation.

Twenty-two years later, the Virginia Colony was established in 1607, funded by a group of wealthy investors with the backing of King James I. But rather than yield profit to the investors who stayed in England (their investment was completely lost), Jamestown teetered on the brink of disaster. Although the planting of corn, once mastered, would have easily fed them without too much labor, it took decades to grow enough food, in part due to torrid mortality rates fed by malnutrition, dysentery, and malaria. In several respects, Virginia inverted the situation in England, for land was initially rather plentiful (as Native Americans died of disease and eventually withered in the face of genocidal aggression by the Virginia Company) but labor was scarce. However, rather than producing a uniformly motivated society, as one might expect, it replicated England’s highly unmotivated and poorly fed workforce. The society that teetered on the edge of anarchy, kept in check only by their fear of Indians, Spaniards, and especially a ruthless system of military-style discipline that brutally punished those who bucked the system. Early Jamestown was emblematic of what historian Bernard Bailyn described in his book, *The Barbarous Years*, in which famine, disease, extermination, cannibalism, and torture were desperate responses of a desperate society.

However, the colony’s fate hinged on botany. The maritime trade, then and now, thrived on addictive substances and it was Virginia’s role to inject tobacco into the global bloodstream, where it would eventually commingle with sugar, rum, coffee, chocolate, tea and opium. Tobacco was at one time banned by several of the world’s governments, including England’s, but monarchs from the Ottoman Empire to China found that taxing the drug was far more lucrative than forbidding a substance that mainlines advertising into the brain via persistent internal cravings.

Meanwhile, greed and ambition, never too far from the surface of the American Experiment, amplified risk-taking as *the* chance of a lifetime emerged for men who could scarcely find such opportunity in Britain. However, rather than picking the right stock (or more importantly, selling when you can!) in a modern-day boom, the key in Virginia revolved around the control of labor. Land, again, was relatively plentiful as Native Americans were succumbed to military operations and disease, but labor was scarce; bending both to one’s will was the pathway to riches. The initial solution was two-fold. First, one had to acquire laborers, for there was no getting rich simply on one’s own efforts. Buying Native American slaves, or the British poor—as they emerged from ships—on a 7-year contract was critical. Secondly, having acquired workers, either Indian captives or British indentured servants, one had to get them to work hard at difficult labor in demanding circumstances. This was problematic in three very important respects. First, neither Indians or most Englishmen had the life experience accustomed to the persistent, regimented labor required to produce major profits. Both cultures, at their heart, were made up of people whose intermittent, traditional labor habits mocked the newly emerging capitalist ethos. Secondly, for the English in particular, swampy Virginia was absolutely broiling. Heinous mortality rates gripped Virginia’s first 50 years, with malaria wielding the reaper’s scythe. Most importantly, neither Indian or

Englishman--or the Africans who were later added to the mix--had incentive to produce tobacco *for someone else's gain*. African slaves, who began to arrive in relatively small numbers in 1619, did not receive any pay, and indentured servants had already received their pay in the form of the ticket to Virginia, which they received in return for a commitment of several years of labor (seven being the most common).

The rough men in power fixed—fairly quickly—on a solution to their labor problem: terror. Without the specter of terror, servants and slaves would not perform the painstaking labor that yielded fat profits for an owner, but nothing in return to the workers themselves. And indeed, terror ruled the day, mangling those laborers who managed to survive the diseases that decimated half of the servant population within the first year. Whippings and other forms of torture (including ears cut off, arms broken, and—in at least one case—a tongue bored through) kept workers in line, at least enough for the amassing of small fortunes. Oddly enough, the original investors lost everything. The problem, as careful historical research has shown, is that the investors were in England, while the men who oversaw the Virginia Company *in* Virginia systematically ripped the company off, selling its supplies while pocketing the revenues and buying more laborers for their personal farms. Healthy servants meant for company land were channeled into these men's own budding plantations, while the sick worked on marginally supervised company land. And thus, out on the periphery of the emerging English empire (one that would become associated with genteel refinement) men who aspired to leisure ran a regime of terror, making a mockery of the liberties and rhythms of life that the English held so dear to their hearts. While Virginia's planter class would ultimately produce four of the first five U.S. presidents, including its greatest military hero (Washington), the author of the Declaration of Independence (Jefferson), and the "Father of the Constitution" (Madison), they came from an elite whose roots resided in a ghoulish frontier society. Early Virginia had little in the way of churches; few English women; a tide of orphans and impoverished teenagers; an astounding mortality rate; and a sadistic streak at its very heart.

Meanwhile, back home, England harnessed what historian Sven Beckert deemed "War Capitalism," a critical stage of development in which pitiless conquest and unfree labor provided the capital for both further expansion and eventually rising quality of life of modern Britain. This is not to negate the continued upheavals that transpired there, most notably in the religious and political upheavals that led to the English Civil War (1642-49), but the colonies surely helped mitigate English unemployment and social disorder, and contributed mightily to what would ultimately be the most stable large nation on the planet since 1688. Before we step back to Virginia, on the periphery of empire, it is worth considering how seeming opposites were in fact tightly linked. The savagery of wars of conquest abroad could pay for the piano lessons that marked one as civilized in London; the enslavement of Indians led to thousands of lucrative jobs in the English tobacco trade; and the Atlantic slave trade's staggering body count rose alongside Enlightenment philosophers' emerging ideas about universal human rights and equality. The world was not only terrible and thriving at the same time, but in many ways these two qualities relied upon each other in global embrace.

THE LOSERS

THE society Virginians established during the first fifty years of the colony's existence had been geared to function in the face of heavy mortality. One of its features was the annual arrival of new workers to replenish the dying labor force. The decline of mortality and the increase in population did not stop the flow of immigrants. Until the last two decades of the century the annual arrivals were probably not much under 1,000 a year and in some years much more. New workers were still necessary, because Virginia's increase in population did not solve the labor problem of the planters. When servants became free, they preferred to work for themselves even though that might mean going into partnership for a term with one or more other freedmen. And they had been able to set up for themselves because of the cheap public land that was another feature of Virginia society.

Before the middle of the century, while the heavy death rate continued, the men who survived their terms of servitude and managed to set up households of their own were too few in number to offer serious competition to their former masters or to invite systematic exploitation. As they began to live longer, however, as more became free each year, their very numbers posed a problem for the men who had brought them. If the ex-servants continued as freemen to make tobacco, though they would automatically contribute to the fees and duties levied on the trade, they would be competing with their former masters. By adding to the volume of the crop, they would help to depress the price. If they did not make tobacco but lapsed into an idle, perhaps dissolute life such as many had led in England, they would corrupt the labor force and con-

tribute nothing to the revenue derived from the colony. As things were going then, the increasing number of freedmen, whether diligent or delinquent, would increasingly cut into their former masters' profits.

In efforts to handle this problem, the men who ran Virginia began to alter their society in ways that curtailed and threatened the independence of the small freeman and worsened the lot of the servant. During the last thirty or forty years of the seventeenth century, while tobacco was enriching the king and so many others, most of the men who worked in the fields were losers, and they did not much like it.

One approach to the problem of increasing freedmen was to impose as long a servitude as possible before allowing men to become free. During the extra years of service they would create profits rather than competition for their masters, who would also be able to keep them out of mischief. Servants who came to the colony without an indenture in which the terms were specified were vulnerable to such a move. In 1642 the assembly had prescribed that they could be kept for four years if over twenty at the time of arrival, for five years if between twelve and twenty, and for seven years if under twelve. Between 1658 and 1666 the assembly, as always a collection of masters, revised the terms to give themselves and other masters a longer hold on their imported labor. Henceforth persons nineteen or over when they arrived would serve five years, and persons under nineteen would serve until they were twenty-four.¹ The new law meant that most servants who came without an indenture had to serve three additional years, because most of them were in their teens. In fact, so far as surviving records show, most were not over sixteen. The laws required that a master who imported a servant without an indenture bring him to court within six months to have his age determined and his consequent term of service recorded. In the Lancaster records from 1662 to 1680 only 32 of 296 servants were judged to be nineteen years of age or more. The median age was sixteen, and 133 were younger than that and therefore had nine years or more to serve.² In Norfolk County in the same period only one of 72 servants was judged to be as old as nineteen, and the median fell between fifteen and sixteen.³

Another way to prolong the term of service was to attach greater

¹ Hening, I, 257, 443; II, 113, 240.

² Lancaster III and IV, *passim*.

³ Norfolk IV, VI, and VII, *passim*.

penalties to the servants' favorite vice, running away. Early laws had already provided that servants who ran away should have their terms of service extended by double the length of time in which they absented themselves.⁴ In 1669 and 1670 new laws provided rewards to anyone apprehending a runaway, with the provision that the servant not only reimburse his master by double service for the time missed, but that he also reimburse the public by serving further time at the rate of four months for every 200 pounds of tobacco expended on the reward for apprehending him.⁵ The rate thus set for reimbursement was about half the current wage for hired labor. In practice the courts sometimes set more equitable rates, but they favored masters by allowing the high recovery charges usually claimed by a man who pursued and caught his own servant. In addition to requiring the servant to reimburse those charges by longer service, the courts added time to the servant's term for presumed losses incurred by the master as a result of the servant's absence from his job. Though in past decades the provision for double service had ordinarily been considered adequate recompense for crop losses incurred by the servant's absence, the courts in some counties in the 1670s began adding time, above and beyond double service, for the loss of crop. Thus in Lancaster, Christopher Adams, absent for six months, was required to serve three years extra: one year for the six months' absence, one year for the loss of the crop that he would otherwise have made, and one year for 1,300 pounds of tobacco expended in recovering him.⁶ James Gray, absent 22 days, got fifteen months' extra service: three months for 22 days and loss of crop, and twelve months for the cost of recovery.⁷ Three servants absent for 34 days were required to serve 68 days for the 34, eight months for the loss of crop, and four months, ten days for the cost of recovery.⁸

Servants who engaged in forbidden pleasures also had their terms extended. A maidservant who had a child served two years extra for it. And the surreptitious feast in the forest with which servants sometimes indulged themselves became yet another means of extending their terms. The penalty for killing a hog was 1,000 pounds of tobacco or a year's service to the owner and 1,000 pounds or a year's service to the informer.⁹ If the owner and the informer

⁴ Hening, I, 254, 401, 440.

⁵ Hening, II, 273-74, 277-79.

⁶ Lancaster IV, 161.

⁷ *Ibid.*, 163.

⁸ *Ibid.*, 263.

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were the same man, as was often the case, he got both. Thus Richard Higby was required to serve his master six years extra for killing three hogs.¹⁰

In spite of such legal contrivances for prolonging servitude, men did become free. When they did, they looked for land of their own. With land of their own they could begin to reap the profits that their labors had hitherto earned for others. But in their need for land lay another means of controlling them and extracting a part of their earnings. In the early years few Virginians had thought it worth the trouble to acquire large tracts of land, and men who became free in the first half of the century probably had no trouble finding good land still unclaimed on the James or York rivers or their tributaries. But as life expectancy rose, the expectancy of land-ownership rose with it, and anyone could see that the demand would send land values up. It would be worthwhile to acquire land not merely for future use or to hand on to children and grandchildren, but also to sell or to rent to the rising body of new free-men. In this way the established planters might continue to share in the fruits of their former servants' labors.

In the Old World, by controlling access to the soil, landlords had been able for centuries to exact a portion of other men's earnings in the form of rents.¹¹ In Virginia the method could not be as effective as in Europe, because land was too plentiful. But because it was so plentiful and so cheap, it could be acquired in much larger amounts than European landlords aspired to, in amounts large enough to place most of Virginia's river lands in private hands long before actual settlers reached them.

It was not very costly to acquire large holdings. The headrights on the basis of which public land could be claimed were bought and sold in Virginia separately from the servants for whose transportation they were issued. Headrights were valid whether the person in whose name they were claimed was alive or dead. The

cut off, and that third offenders be treated as felons under English law, i.e., be subject to the death penalty. Henning, II, 440-41.

¹⁰ Lancaster IV, 142.

¹¹ It has been argued that in times and places where land was abundant and rents consequently low, as in early America and in late sixteenth- and early seventeenth-century Russia, the result was to make entrepreneurial classes develop some form of serfdom or slavery. Evsey D. Domar, "The Causes of Slavery or Serfdom: A Hypothesis," *Journal of Economic History*, XX (1970), 18-32. The hypothesis would seem to be borne out by the developments under way in seventeenth-century Virginia.

years of heavy mortality, when land was scarcely worth patenting, had left Virginians with a large reservoir of unused headrights. In the 1650s they could be bought for 40 or 50 pounds of tobacco apiece, each headright entitling the owner to fifty acres of land.¹²

As mortality fell and population rose, Virginians who had a little capital to spare began to assemble headrights and were soon scrambling to patent the colony's best remaining lands. By the time the land boom began, the best acres were already gone along the lower reaches of the James and York and much of the Rappahannock. Speculators began at once to reach for the plums in more remote areas, including the Potomac region. In 1650 Virginians were just beginning to patent land on their side of the Potomac, where Northumberland County had been formed in 1648. By 1651 they were already staking out claims as far up as Potomac Creek, eighty miles upriver. By 1654 Westmoreland County had been formed, and they were acquiring land along the tributary Occoquan and the Potomac "freshes" in the future counties of Stafford and Prince William.¹³ Much of the speculative fever centered in Charles City County, where Howell Price, clerk of the court, seems to have served as a broker to speculators. Between 1655 and 1659 he bought up headrights worth 38,500 acres, most of which he sold to other men, who used them to patent land on the Potomac.¹⁴ Before the decade was out, a few individuals held title to most of the land on the Virginia side downstream from the present site of Alexandria. A mere scanning of the patents reveals over 100,000 acres held by only thirty persons.¹⁵

During the 1650s speculators were also patenting huge tracts

¹² Norfolk III, 205a; Westmoreland I, 51.

¹³ *VMHB*, XXIII (1915), 249-50; Hening, I, 352-53, 381; Nell M. Nugent, *Cavaliers and Pioneers: Abstracts of Virginia Land Patents and Grants* (Richmond, 1934), 185-316.

¹⁴ Fleet, *Virginia Colonial Abstracts*, X, 29, 33, 39, 46, 53, 64, 78, 84, 88, 91, 101; XI, 27, 33, 74. The names of the persons for whom headrights were claimed were usually certified by a county court and copied in its records. The rights could then be sold, as Price sold his, and the person ultimately exercising the rights would then record the names again in the patent he obtained. It is thus possible to trace, through the excellent index in Nugent's *Cavaliers and Pioneers*, the ultimate use made of Price's certificates. He seems to have exercised rights to only 1,000 acres himself.

¹⁵ Nugent, *Cavaliers and Pioneers*, 185-390. Some of the larger patentees were John Wood, 10,000 acres; Samuel Mathews, 5,100; Gervase Dodson, 11,400; Thomas Wilkinson, 6,500; Henry Corbin, 3,900; Giles Brent, 6,000; and Nathaniel Fope, 5,100.

on the upper York and Rappahannock rivers,¹⁶ and the boom did not stop there. In 1664 the number of headrights used reached the peak of the century, when 3,243 rights were expended on 162,150 acres. In Accomack County alone Colonel Edmund Scarburgh presented certificates for 191 headrights and got 9,550 acres; John Savage got 9,000, and eleven other persons 15,200 acres. And in 1666 eight patents accounted for 34,600 acres (in Rappahannock, Isle of Wight, and Accomack).¹⁷ Altogether in the years 1650 to 1675 Virginians patented 2,350,000 acres, more than half the total for the whole period 1635-99.¹⁸

After securing a patent, the owner was supposed to "seat" the land, that is, build a house and plant corn or tobacco. He was also supposed to pay annual quitrents to the king at the rate of two shillings for every hundred acres. But until late in the century the quitrents were only sporadically collected, and according to Edward Randolph, an English revenue agent, the way the planters seated the land was to "cut down a few trees and make therewith a little Hut, covering it with the bark and turn two or three hogs into the woods by it: Or else they are to clear one Acre of that land, and to plant and tend it one year: But they fell twenty or thirty trees, and put a little Indian Corn in the ground among them as they lye, and sometimes make a beginning to fence it, but take no care of their Crop, nor make any further use of their land."¹⁹

Such a procedure sufficed to establish a man's claim to a tract, however large. As a result, the land still appeared to visitors to be "one continued wood." John Clayton in 1684 observed that "every one covets so much and there is such vast extent of land that they spread so far they cannot manage well a hundredth part of what they have."²⁰

Managed or not, the acres were owned. And the servants who became free after 1660 found it increasingly difficult to locate workable land that was not already claimed. In order to set up their own households in this vast and unpeopled country, they frequently had to rent or else move to the frontiers, where they came into conflict with the Indians.²¹ Many preferred safety in the settled area even though it meant renting land from the big men who owned it. In

¹⁶ *Ibid.*, 194-96, 100, 244-45, 324.

¹⁷ *Ibid.*, 424-524, 548-61.

¹⁸ Craven, *White, Red, and Black*, 15-16.

¹⁹ C.O. 5/1309, No. 5. Aug. 31, 1696.

²⁰ Sloane Mss. 1008, ff. 334-35.

²¹ C.O. 1/39, f. 196; Massachusetts Historical Society, *Collections*, 4th ser., IX (1871), 164.

turning down a proposal to levy taxes on land instead of polls, the House of Burgesses in 1663 argued that this would properly entail limiting the right to vote to landholders. And such a limitation would be resented by "the other freemen who are the more in number."²² Thus the burgesses implied that the majority of freemen were without land. This was probably an exaggeration, perhaps motivated by the realization of burgesses with very large landholdings that they would have to pay more in taxes on their acres than on their servants' polls. In 1676, however, Thomas Ludwell and Robert Smith, two members of the council, maintained that at least one-fourth of the population consisted of "merchants and single freemen and such others as have noe land."²³ And in the same year Francis Moryson, another former council member, explained the term "freedmen," as used in Virginia, to mean "persons without house and land," implying that this was the normal condition of servants who had attained freedom.²⁴ In any case, land had been so engrossed by this time that newcomers, even with substantial capital and a supply of servants, often rented. In 1678, when the Privy Council instructed the governor to confine voting in the colony to landholders, Thomas Ludwell (the secretary of the colony) objected that this would create inequities, because of "many tennants here (especially in James River which hath been longest planted) haveing more tythable servants then their landlords."²⁵

There are no records from which we can estimate the exact proportion of tenants and owners at any time in the seventeenth century. But there is evidence that in Surry there were 266 resident owners of land in 1704, and 422 households in 1703.²⁶ Thus approxi-

²² George Bancroft, *History of the United States*, 15th ed. (Boston, 1856), II, 207, quoting from "Richmond Records, no. 2, 1660 to 1664, p. 175." (These records were destroyed in the burning of Richmond in 1865.) John Daly Burk, who also had access to the destroyed records, says of the proposed change: "The attempt probably originated in a desire of contracting the right of suffrage, in order as it was pretended, that the poorer classes might not have it in their power to elect to the assembly men disaffected to the government." *The History of Virginia, from Its First Settlement to the Present Day* (Petersburg, 1804-16), II, 137.

²³ Coventry Papers, LXXVII, 128.

²⁴ *Ibid.*, 204.

²⁵ *Ibid.*, LXXVIII, 202.

²⁶ The first extant quitrent roll, showing the owners of land, dates from 1704 and is reproduced in Thomas J. Wertenbaker, *The Planters of Colonial Virginia* (Princeton, 1922), 183-247. The only county in which the number

mately 156 (37 percent) of the householders appear to have been tenants. The earliest date for which it is possible to make comparison of landowners and householders in exactly the same year is in 1720, in Christ Church Parish, Lancaster County. There, out of 146 householders, 86 were owners, and the other 60 (41 percent) apparently tenants (including several who held large numbers of tithables).²⁷

How large a share of a tenant's produce did the landlord get? That varied greatly according to the location and quality of the land. In Surry a 300-acre tract described as poor was worth 350 pounds of tobacco a year in 1673; a 100-acre tract rented in 1656 for a barrel of Indian corn (worth about 100 pounds of tobacco).²⁸ In each of these cases the tenant was also to plant an orchard and build or maintain a tenantable house, to be left on the plantation at the termination of the lease (a common requirement). In Henrico County in 1686 a plantation was rented at 100 pounds per year for every person working on it.²⁹ In Lancaster, where land was richer than in Henrico or Surry, a plantation of 100 acres was leased in 1664 for ten years at 60 shillings (about 600 pounds of tobacco) a year for the first two years and 50 shillings (500 pounds) thereafter.³⁰ One man's crop in Lancaster was almost certainly larger and more valuable than the yield from the cheap lands of Surry. But 2,000 pounds would probably have been a good crop even in Lancaster.³¹ Hence the rent of a plantation ran from perhaps 5 to 8 percent to 25 percent or more of the annual produce of a single man. Since a plantation, unless it was exceptionally small, would support

of households is known at about that time is Surry, where the tithable lists exist for the year 1703. Surry V, 287-91. Kelly, "Economic and Social Development of Surry County," 124, says that the 1703 tithable list shows a total of 462 freemen in that year. Such a number is not incompatible with the total of 422 households listed, but it is not clear how Kelly has identified freemen living in other men's households. From recorded deeds and land patents Kelly estimates that in the last thirty years of the seventeenth century over 40 percent of Surry's freemen were non-landowners (p. 125).

²⁷ Thirty-eight (31 percent) of the 124 landowners on the rent roll were apparently non-resident. The list of tithables is in Lancaster IX, 335-36; the rent roll is in the Virginia State Library.

²⁸ Surry I, 151-52; II, 24.

²⁹ Henrico II, 127.

³⁰ Lancaster II, 285. These are only samples of numerous leases recorded in the court records of various counties. More are cited in Bruce, *Economic History*, II, 413-18.

³¹ See chap. 7, note 33.

more than one man, the rent was not high, but it usually represented a good profit for the owner above the quitrent he owed to the king. Moreover, many owners saved themselves this expense by making their tenants responsible for the quitrent.

Perhaps more important than the actual rent obtained by Virginia's landlords was the effect of the artificial scarcity of land in keeping freedmen available for hire. If a man could not get land without paying rent for it, he might be obliged to go back to work for another man simply to stay alive. The pressure to do so would of course be stronger if he entered on his freedom without tools, clothes, or provisions. According to the "custom of the country" (legally enforceable), a master was required to furnish a servant at the end of his term with freedom dues of three barrels of corn and a suit of clothes (probably worth 500 to 600 pounds of tobacco). But as freedom time drew near, it was tempting to both parties to strike a bargain in which the servant gave up his freedom dues in return for an early release. If his term expired in the slack season from December to May, his labor during the last few months would be worth a good deal less than his dues, perhaps less than his board. But, impatient for immediate freedom or intimidated by an overbearing master, servants often did give up their freedom dues and thus found themselves very quickly back at work for their bread in another man's household.³²

Those who did make it into the ranks of the householders, whether by renting or buying land or staking out a new claim in the interior, faced yet another drain on their earnings. Though it required no more than a piece of land, a hoe, an axe, a few barrels of corn, and a strong back to set up a tobacco plantation, marketing a small crop could be difficult. If a man's land was on a river or creek, one of the ships that rode in the great rivers from November to June would send hands to roll the hogsheads to the shore and hoist them aboard a boat or small sloop.³³ But the prices offered for

³² The three barrels of corn were worth about 300 pounds of tobacco. On the value of the clothes given as freedom dues see chap. 17, note 16. In 1677 the assembly limited the right of masters to make bargains with their servants, "especially some small tyme before the expiration of their tyme of service." Hening, II, 388.

³³ It is difficult to determine how hogsheads were loaded in the seventeenth century, but Hugh Jones in 1724 said that it had been the custom "in some places" for sailors to roll the hogsheads, sometimes for some miles. Jones, *The Present State of Virginia*, Richard L. Morton, ed. (Chapel Hill,

tobacco varied greatly from year to year, and so did the availability of ships to carry it. A big man with labor to grow tobacco on a large scale could command more attention and better prices from the ships, because his large crop made it possible for a ship to load rapidly and get back to England for a more favorable market than later ships. It was often easier for a small man to sell his crop to his larger neighbor than to gamble on the chance of getting it aboard a ship himself. If his land did not abut a river, he might have no choice but to sell to someone who could get it aboard for him.

The larger planters in this way came to be merchants—many described themselves as such. Some made regular trips to London in order to market a shipload at a time. And, as always, the man who marketed the crop generally made more from it than the man who grew it. Virginians often spoke bitterly about the low prices that the London merchants paid them, but the local Virginia merchant planters could play the same role toward their small neighbors that the London merchants played toward them.³⁴ And as it became common for Virginia's big planters to be heavily indebted to London merchants, so the small planter became indebted to his larger neighbor. His crop in one year might not buy the clothes and other supplies he needed for the next. The merchant planter would advance the goods against the next year's crop. And as the London merchants charged Virginia debtors premium prices for goods purchased on credit, it is altogether probable that local debts produced the same advantage to the creditor. To be sure, most creditors were also debtors. In seventeenth-century Virginia, as elsewhere and always, debt was not merely an unfortunate condition to which the poor were subject. Fortunes can often be made by going into debt on a large scale, and the whole Virginia economy was based on credit, often supported by little more than the promise of next year's

N.C., 1956), 89. Thomas Adams in a letter to the London merchants Perkins, Buchanan, and Brown, April, 1770, says it had always been the custom for the buyer to pay the cost of getting tobacco aboard ship, though not to take the risk of loss in the process. *VMHB*, XXIII (1915), 54-55. One case that reached the Northampton County court in 1652 shows a ship captain hiring a man with a shallop to get tobacco aboard. Northampton IV, 88.

³⁴ Aubrey C. Land has emphasized the entrepreneurial activities of the Chesapeake merchant planters in the eighteenth century. "Economic Behavior in a Planting Society: The Eighteenth-Century Chesapeake," *Journal of Southern History*, XXXIII (1967), 469-85. The behavior he describes was characteristic of seventeenth-century planters also, though on a smaller scale.

crop. Nevertheless, for a man without servants, whose next year's crop would be the result only of his own labor, debt might be a road back to servitude. When a man could not pay up at harvest time, and there was no good prospect he ever would be able to on his own, when he had no cattle, no land, and not even a feather bed³⁵ to his name, or when these had already all been attached for debt, he might be required to work out his indebtedness by a term of service to his creditor or to someone else who would discharge the debt. In the early 1660s, when tobacco prices were low, one Virginian estimated that three-fourths of the planters were so poor they would have to become servants to the others, "who being merchants as well as planters will bee better able to subsist."³⁶

It was doubtless an exaggeration to place three-fourths of the population in so desperate a condition. But it seems plain that by the 1660s Virginia was acquiring a new social structure. Outside the structure entirely were the remaining tributary Indians, segregated in what amounted to reservations, beyond the limits of settlement but rightly uneasy about their future. Inside the structure at the bottom were a number of slaves, perhaps more than a thousand but still a minor component of society. A little above them were a much more numerous body of servants, working out the terms assigned them or agreed upon by indenture to repay the cost of their transportation. At the other end, at the top of the scale stood the elite group of men who had inherited, amassed, or arrived in the colony with estates large enough to assure them a continuing supply of servants and to win them lucrative government offices. A little below them were the other established householders, usually with one or more servants. In between the established householders and the servants working out their terms stood the part of the population that had begun to grow most rapidly: the freedmen who had finished their terms of service. They were entitled to set up households of their own, but they were finding it harder to do than the men who became free in the preceding decades. STOP

From the annual lists of tithables that survive for four counties

³⁵ Feather beds were a highly valued item in Virginia, being listed in inventories for 400-600 pounds of tobacco, about the same value as a cow. One of Governor Berkeley's enemies, complaining of Virginia tax levies, accused Berkeley of saying that if people "had not tobacco they had coves and featherbeds sufficient to discharge their levies." Coventry Papers, LXXVII, 144.

³⁶ Ms. Rawlinson A 38, Bodleian Library, Oxford.

DISCONTENT

VIRGINIANS could be so heavily exploited, legally and illegally, partly because they were selected for that purpose: they were brought to the colony in order to be exploited. From the beginning Englishmen had thought of their New World possessions as a place in which to make use of people who were useless at home. Although the hoped-for transformation was supposed to be morally uplifting to those who experienced it, the purpose was not merely charitable. The wretches who were rescued from idleness and unemployment must be sufficiently able-bodied to make the rescue worth the rescuer's trouble. They should be young, but not too young to work in the fields. And they should be male rather than female, because, for reasons not altogether clear, English women were not ordinarily employed in growing tobacco or other work in the ground. The planters imported three or four times as many men as women. The fact that the population was therefore predominantly male and predominantly young helped to make heavy exploitation possible. If the men who grew the tobacco had had more women and children to support, they could not have contributed so large a share of their produce to the men who profited from their labors.¹

But the very imbalance of sex and age that made Virginia's servants highly exploitable made them potentially dangerous when freed. Bachelors are notoriously more reckless and rebellious than men surrounded by women and children, and these bachelors were

¹ Cf. Joseph J. Spengler, "Demographic Factors and Early Modern Economic Development," *Daedalus* (Spring, 1968), 433-46, esp. 438.

a particularly wild lot. The way they got to the colony helped to guarantee that they would be so. The planters' demand for labor generally outran the supply of volunteer emigrants from England, for the exploitation of the boom years combined with the continuing mortality of the first half century to give Virginia an evil image. The depressed tobacco prices after 1660 and the consequent misery of the small planters helped to sustain the bad reputation of the colony. Although a large proportion of yeomen and skilled workmen could be found among the immigrants who came with written contracts (indentures), it was often only the desperate who could be induced to enroll for ordinary service.²

For a time in the 1660s ship captains brought in convicted felons, whose sentences had been commuted to service in Virginia. Though the planters snapped them up, the skill of these old hands at resisting authority eventually alarmed their masters, and the government put a stop to the practice.³ But ship captains were good at finding desperate men, whether in jail or out, and they also knew where to find men too drunk to know what they were doing. When the king tried to crack down on the transportation of unsuspecting and unwilling persons, the tobacco merchants of London interceded on behalf of the captains and their customers. The people carried to Virginia, the merchants assured the king, were "the scruffe and scumme of the People . . . if they were not transported to the Plantations, its to be feared many of them would to Tyburne."⁴ So the operation continued by catching convicts before conviction, making Virginia, as one irritated Virginian observed, "a sinke to drayen England of her filth and scum."⁵

² Northampton III, 140a; Abbot E. Smith, *Colonists in Bondage: White Servitude and Convict Labor in America, 1607-1776* (Chapel Hill, N.C., 1947), 67-86. Cf. Mildred Campbell, "Social Origins of Some Early Americans," in Smith, *Seventeenth-Century America*, 63-89; Craven, *White, Red, and Black*, 6-9; and Lois Green Carr and Russell R. Menard, "Immigration and Opportunity: Servants and Freedmen in Early Colonial Maryland," in *The Seventeenth-Century Chesapeake: Essays Delivered at the 32nd Conference in Early American History*, November 1 and 2, 1974, College Park, Maryland.

³ Hening, II, 509-11; C.O. 1/25, ff.59-60, 62; C.O. 1/27, f.16. *Minutes of Council*, 209-10.

⁴ C.O. 1/50, ff.51-53. Cf. Bullock, *Virginia Impartially Examined*, 49. Lionel Gatford, *Public Good without Private Interest* (London, 1657), 4-5.

⁵ Nicholas Spencer to Lord Culpeper, Aug. 6, 1676. *Coventry Papers*, LXXVII, 170. Cf. C.O. 1/49, f.107.

Virginia masters did their best to transform the reluctant immigrants into useful citizens. Hard work was supposed to be their redemption, and while they remained in service they had plenty of it. But the experience did not always effect a reformation. Perhaps they would have caught the work habit and the aspiration to continue it if land and a wife had seemed within reach. But with conditions as they were after 1660 men were unlikely to be struck with such an aspiration after they got to Virginia. Even men who came with a positive goal and determination to reach it could lose heart. Why should a man continue to work hard after he became free if his work would only continue to enrich the rich? Better to hit the road. In Virginia if a man was young and free and wanted only to be let alone, there were ways of getting along without work.

Given the way cattle and hogs roamed free and multiplied in Virginia's unfenced forests, it was not difficult for a man with a gun to keep alive indefinitely without owning or renting land. The burgesses did their best to cut off this recourse by enacting the severe law noted in the preceding chapter, against killing other men's hogs in the woods.⁶ The penalty of 2,000 pounds was about twenty times what a hog was worth; and the fact that half of it went to the informer made the easy life a risky one. The county courts assiduously enforced the law, and Norfolk went beyond the burgesses with a by-law of its own. Because "severall Idle persons have and doe for the most part imploy themselves in hunting and killing of wild cattle," the county court placed a 2,000-pound fine on anyone who killed any *unmarked* beast, that is, a beast with no ascertainable owner.⁷ Moreover, when a man was convicted, the court usually forbade him thereafter to carry a gun in the woods.⁸ But as more and more servants turned into freedmen, the numbers of idle young men multiplied.

Behind the mounting number of households with only one tithable we may discern a substantial number of footloose single freedmen, who drifted from county to county. They appear on the records in Northampton County: between 1664 and 1677 a total of 1,043 tithable persons were at some point present in the county; but 248, or nearly a quarter, were there for only a year, while 134 more were there more than once but not in consecutive years.⁹ In Acco-

⁶ Hening, I, 350-51; II, 129, 440-41.

⁷ Norfolk V, 14; see also *ibid.*, 96.

⁸ Norfolk V, 74; VI, 472, 49, 92, 922.

⁹ See Appendix.

mack in the 1690s the taxpayers complained of what was almost certainly true earlier, that "loose and vagrant persons that have nor any settled Residence do too comonly enter themselves singly and not in any House Keepers List of Tithables . . . and when the time comes that the Sheriff goes about to collect the publique Dues they abscond and remove from place to place on purpose to defraud the County of their Levies being sensible they having no visible Estates by which the Sheriff can make distress for the same by reason whereof the Taxes grow the more burdensome and grievous to the Setled persons. . . ." ¹⁰

So here they are again, the terrible young men. In old England they slept in the sun when they should have been cutting Robert Loder's wheat. They bowled in the streets of Jamestown when they should have been planting corn. England poured them into Virginia by the thousands, and good riddance. Virginia welcomed them and fattened on their labors, as long as they could be kept alive and working for their betters, five, six, seven, maybe ten or twelve years. After that, if they had not resigned themselves to earning more every year for their betters than they earned for themselves, they often offended the community by more than idleness and tax dodging. They enticed servants to steal hogs with them and feast in the forest. They helped servants to run away "in troops." They settled themselves far up the rivers, where Indians could mount guerrilla attacks on them and drag the whole colony into war.¹¹ And they gathered at the polls at election time and so upset their former masters that in 1670 the assembly decided it was unsafe to allow them to vote. In a candid explanation of its order, the assembly declared that newly made freemen "haveing little interest in the country doe oftner make tumults at the election to the disturbance of his majesties peace, then by their discretions in their votes provide for the conservasion thereof." Hence only landowners and housekeepers should be allowed a voice in choosing burgesses.¹² As long as homeless freemen had been few, they could safely be allowed to share in all the privileges of their society, including the choice of its governing assembly. It was their growing numbers that made them a threat to the country and required curtailment of the rights extended to them earlier.

¹⁰ Colonial Papers, folder 11, No. 4, Virginia State Library; Palmer, *Calendar of Virginia State Papers*, I, 52.

¹¹ Henning, II, 35; C.O. 1/39, f.96; C.O. 5/1309, No. 5; Coventry Papers, LXXVIII, 202.

¹² Henning, II, 280.

But depriving the homeless of the vote did not make them settle down. In England it was possible to catch the vagabonds and have them whipped from constable to constable until they were back in the parish where they belonged—and where nobody wanted them. In Virginia, where everybody wanted them, it was not only harder to catch them, but the very measures taken to exploit their labor drove them to the road. If you engrossed the land, to collect a little rent from them, or if you got them in debt, they might take off for the frontiers or to Maryland or Carolina. Because the proprietors of Carolina had difficulty keeping a governor in residence in the northern part, the men who squatted there on Albemarle Sound were often able to escape not only their creditors but also the taxes and customs duties that Virginians paid. "Carolina," observed Governor Culpeper, "(I meane the North part of it) alwayes was and is the sinke of America, the Refuge of our Renagadoes."¹³

While the wealthy planters and officials regarded the terrible young men as so much labor lost, they could not ignore the thought that the men might also be dangerous. Footloose young Englishmen had always been dangerous when armed, as the Spanish in the Caribbean could attest. And Virginia was full of guns. Though there were not enough blacksmiths to keep guns in proper repair, though powder and shot had to be brought from England, life in Virginia required guns. You needed guns to protect your cattle from wolves; and the counties, even long established ones, paid bounties throughout the century for the wolves killed within their boundaries every year. You needed guns to protect your cornfields, not only from birds but from the animals that broke into them. Although it was against the law, many a farmer took angry shots at the horses that could jump a fence. Horses had multiplied so rapidly after 1660 as to become a nuisance.¹⁴

Above all, you needed guns to stay alive when marauding Indians came upon your plantation. Although Governor Berkeley had tamed the tribes of Powhatan's empire by 1646, there was no telling when stray parties of "foreign" Indians might descend on a plantation.

¹³ C.O. 1/47, f.261.

¹⁴ Hening, II, 267, 271, 279; Coventry Papers, LXXVII, 332; Ms. Rawlinson A185, Bodleian Library, Oxford. The change was reflected in valuations. In the 1640s and 1650s horses appeared only rarely in inventories, but when they did, the values ranged from 1,500 to 3,500 pounds for a mare. By the 1680s a mare seldom was valued at more than 1,500 and usually at less than that.

Stretched out so widely over the landscape, the planters could never gather against a surprise, hit-and-run attack. A man had to be ready to shoot it out by himself. Even to warn each other, the planters needed guns to signal with. Indeed, the law required every able-bodied man to be armed, and Virginians were so fond of accompanying drinking bouts with musket fire, easily mistaken for signals of distress, that another law forbade shooting at "drinkings," except for marriages and funerals (where gunfire was apparently considered a necessary part of the ritual).¹⁵ William Blathwayt, the auditor general of the colonies, who was better informed about them than any other Englishman of his time, observed in 1691, "that there is no Custom more generally to be observed among the Young Virginians than that they all Learn to keep and use a gun with a Marvelous dexterity as soon as ever they have strength enough to lift it to their heads."¹⁶

Because every man was supposed to keep a gun, because every man wanted to keep one and feared to be without one, the armed men of Virginia inevitably included the "loose and vagrant" fellows who dodged the tax collectors, the small planters who were in debt to their neighbors and on the verge of renewed servitude, the men who lived in danger on the frontiers. These were the men, in addition to the annual supply of servants, whom the king, the collectors, and the merchant planters were trying, with some measure of success, to exploit. It was a risky business. Men with guns are not as easily exploited as men without them.

The danger was greatest in time of war. In peacetime there were few occasions when men who were separated by rivers and creeks and miles of woodland could assemble in dangerous numbers. Some gathered on Sundays at church, more gathered at the meetings of the county courts. But a wartime march against Indians or invading Dutch meant bringing together as many men as possible. They would all be armed, and who could tell if they might not turn their weapons against their merchant-planter leaders and begin pulling down houses, to collect as plunder what they had lost in rent and taxes.

The wars that grew out of the mother country's quarrels with the Dutch and French created special hardships in the colony and increased tension among the struggling poor. European wars always brought dramatic reductions in the tobacco ships. The few that ar-

¹⁵ Hening, I, 401-2, 525.

¹⁶ T. 64/88 (Blathwayt's journal), 360.

rived could load to the brim at a farthing a pound, while tobacco rotted onshore for want of transport. Deprived of the usual supply of imports, the planters, large and small, worried about the clothes that were falling from their backs and the shoes that were falling from their feet. Without a supply from England, they complained, they would shortly be naked.¹⁷ The lucky merchants whose ships got through could enjoy low tobacco prices in Virginia and high ones in London. Nicholas Spencer, later secretary of the colony, wrote to his brother in London in 1672, trying to pull strings at court to get a ship sent to him at Rappahannock. If she slipped through the Dutch and got safe back to England, Spencer said, "I will not then take one thousand pounds [i.e., sterling] for my share of the profits."¹⁸ But most Virginians, who now had to pay extra taxes for raising troops and building forts, were deprived not only of their customary income but even of the tools and clothes they needed to keep working.

It took a brave man to put himself at the head of a troop of ragged but armed tobacco planters who might regard him, and not without reason, as a source of their misery. Governor Berkeley did it. In 1667, when a Dutch warship sailed up the James and captured twenty ships, including the royal frigate that was supposed to be defending the rest, Berkeley gathered a force and at least prevented the Dutch from landing.¹⁹ In 1673 he led the planters out again to prevent a Dutch invasion. No one knew the danger behind his back better than he, but he had to take what men he could get. He took only freemen, because Virginians feared to furnish their servants with arms. According to Berkeley, there were as many servants as freemen, and merely to leave them behind unattended gave every planter "fearfull apprehensions of the dainger they Leave their Estates and Families in, whilst they are drawne from their houses to defend the Borders." But Berkeley saw more to fear from the planters in his army. Of the able-bodied men he could draw out to defend the colony, he estimated that "at least one third are Single freemen (whose Labour will hardly maintaine them) or men much in debt, both which wee may reasonably expect upon any Small advantage the Enemy may gaine upon us, wold revolt to them in hopes

¹⁷ C.O. 1/30, ff.114-15; C.O. 5/1305, Nos. 22, 50; C.O. 5/1306, No. 64; C.O. 5/1308, No. 6; *Executive Journals*, I, 213-14.

¹⁸ Sloane Mss. 3511, ff.133-34, British Museum.

¹⁹ C.O. 1/21, ff.109-12; *VMHB*, IV (1896-97), 230-36.

conversion to slave labor had already been made. According to (1975) Edmund Jennings, writing in 1708, virtually no white servants had been imported in the preceding six years.⁴⁴ This was not the end of white servitude in Virginia, but henceforth white servants were as much the exception in the tobacco fields as slaves had been earlier. Between 1708 and 1750 Virginia recorded the entry of 38,418 slaves into the colony.⁴⁵

ART → Virginia had developed her plantation system without slaves, and slavery introduced no novelties to methods of production. Though no seventeenth-century plantation had a work force as large as that owned by some eighteenth-century planters, the mode of operation was the same. The seventeenth-century plantation already had its separate quartering house or houses for the servants. Their labor was already supervised in groups of eight or ten by an overseer. They were already subject to "correction" by the whip. They were already often underfed and underclothed. Their masters already lived in fear of their rebelling. But no servant rebellion in Virginia ever got off the ground.

The plantation system operated by servants worked. It made many Virginians rich and England's merchants and kings richer. But it had one insuperable disadvantage. Every year it poured a host of new freemen into a society where the opportunities for advancement were limited. The freedmen were Virginia's dangerous men. They erupted in 1676 in the largest rebellion known in any American colony before the Revolution, and in 1682 they carried even the plant-cutting rebellion further than any servant rebellion had ever gone. The substitution of slaves for servants gradually eased and eventually ended the threat that the freedmen posed: as the annual number of imported servants dropped, so did the number of men turning free.

The planters who bought slaves instead of servants did not do so with any apparent consciousness of the social stability to be gained thereby. Indeed, insofar as Virginians expressed themselves on the subject of slavery, they feared that it would magnify the danger of insurrection in the colony. They often blamed and pitied themselves for taking into their families men and women who had every reason to hate them. William Byrd told the Earl of Egmont

⁴⁴ C.O. 5/1316, f.53.

⁴⁵ *Historical Statistics of the United States*, 769; Donnan, *Documents* IV, 175-220.

in July, 1736, that "in case there should arise a Man of desperate courage amongst us, exasperated by a desperate fortune, he might with more advantage than Cataline kindle a Servile War," and make Virginia's broad rivers run with blood.⁴⁰ But the danger never materialized. From time to time the planters were alarmed by the discovery of a conspiracy among the slaves; but, as had happened earlier when servants plotted rebellion, some conspirator always leaked the plan in time to spoil it. No white person was killed in a slave rebellion in colonial Virginia.⁴¹ Slaves proved, in fact, less dangerous than free or semi-free laborers. They had none of the rising expectations that have so often prompted rebellion in human history. They were not armed and did not have to be armed. They were without hope and did not have to be given hope. William Byrd himself probably did not take the danger from them seriously. Only seven months before his letter to Egmont, he assured Peter Beckford of Jamaica that "our negroes are not so numerous or so enterprizing as to give us any apprehension or uneasiness."⁴²

With slavery Virginians could exceed all their previous efforts to maximize productivity. In the first half of the century, as they sought to bring stability to their volatile society, they had identified work as wealth, time as money, but there were limits to the amount of both work and time that could be extracted from a servant. There was no limit to the work or time that a master could command from his slaves, beyond his need to allow them enough for eating and sleeping to enable them to keep working. Even on that he might skimp. Robert Carter of Nomini Hall, accounted a humane man, made it a policy to give his slaves less food than they needed and required them to fill out their diet by keeping chickens and by working Sundays in small gardens attached to their cabins. Their cabins, too, he made them build and repair on Sundays.⁴³ Carter's

⁴⁰ *Ibid.*, 131-32.

⁴¹ Tate, *Negro in Williamsburg*, 200-208. For examples of conspiracies see *WMQ*, 1st ser., X (1901-2), 178; *Executive Journals*, I, 86-87, 310-11; III, 234-36. Gerald W. Mullin, *Flight and Rebellion: Slave Resistance in Eighteenth-Century Virginia* (New York, 1972), analyzes the forms of resistance offered by slaves and concludes that it was the most "acculturated" slaves who proved most rebellious. One might say, in other words, that the more slaves came to resemble the indigent freemen whom they displaced, the more dangerous they became.

⁴² *VMHB*, XXXVI (1928), 122.

⁴³ Hunter D. Farish, ed., *Journal and Letters of Philip Vickers Fithian* (Williamsburg, 1957; Charlottesville, 1968), 38, 96, 202-3.

uncle, Landon Carter of Sabine Hall, made his slaves buy part of their own clothes out of the proceeds of what they grew in their gardens.⁵⁰

Demographically, too, the conversion to slavery enhanced Virginia's capacity for maximum productivity. Earlier the heavy concentration in the population of men of working age had been achieved by the small number of women and children among the immigrants and by the heavy mortality. But with women outliving men, the segment of women and their children grew; and as mortality declined the segment of men beyond working age grew. There was, in other words, an increase in the non-productive proportion of the population. Slavery made possible the restoration and maintenance of a highly productive population. Masters had no hesitation about putting slave women to work in the tobacco fields, although servant women were not normally so employed. And they probably made slave children start work earlier than free children did.⁵¹ There was no need to keep them from work for purposes of education. Nor was it necessary to divert productive energy to the support of ministers for spiritual guidance to them and their parents. The slave population could thus be more productive than a free population with the same age and sex structure would have been. It could also be more reproductive than a free population that grew mainly from the importation of servants, because slave traders generally carried about two women for every three men,⁵² a larger proportion of women by far than had been the case with servants. Slave women while employed in tobacco could still raise children and thus contribute to the growth of the productive proportion of the population. Moreover, the children became the property of the master. Thus slaves offered the planter a way of disposing his profits that combined the advantages of cattle and of servants, and these had always been the most attractive investments in Virginia.

The only obvious disadvantage that slavery presented to Virginia masters was a simple one: slaves had no incentive to work. The difference, however, between the incentive of a slave and that of a servant bound for a term of years was not great. The servant had

⁵⁰ Landon Carter, *Diary*, Jack P. Greene, ed., (Charlottesville, 1965), I, 484.

⁵¹ From 1680 to 1705 imported Negro children were tithable at the age of twelve and imported "Christian servants" at the age of fourteen. In 1705 the age was changed to sixteen for both. Hening, II, 479-80; III, 258-59.

⁵² Davies, *Royal African Company*, 299.

already received his reward in the form of the ocean passage which he, unlike the slave, had been so eager to make that he was willing to bind his labor for a term of years for it. Having received his payment in advance, he could not be compelled by threats of withholding it. Virginia masters had accordingly been obliged to make freer use of the lash than had been common in England. Before they obtained slaves, they had already had practice in extracting work from the unwilling. Yet there was a difference. If a servant failed to perform consistently or ran away, if he damaged his master's property either by omission or commission, the master could get the courts to extend the term of his servitude. That recourse was not open to the slaveowner. If the servant had received his reward in advance, the slave had received the ultimate punishment in advance: his term had already been extended.

Masters therefore needed some substitute for the extended term, some sanction to protect themselves against the stubbornness of those whom conventional "correction" did not reach. Their first attempt in this direction was an act, passed in 1661, that is sometimes cited as the first official recognition of slavery in Virginia. In it the assembly tried to handle the most common form of servile intractability, by making a servant who ran away with a slave responsible for the loss incurred to the master by the absence of the slave. The law read, "That in case any English servant shall run away in company with any negroes who are incapable of making satisfaction by addition of time, *Bee it enacted* that the English so running away in company with them shall serve for the time of the said negroes absence as they are to do for their owne by a former act [the act requiring extra service for double the length of the absence]." ⁶³

Though this measure tells us something about the relationship between servants and slaves in these early years, it was a deterrent more to servants than to slaves. And it did nothing for the master who could not get what he considered an adequate amount of work out of his slave by the methods that had sufficed for servants. One way might have been to offer rewards, to hold out the carrot rather than the stick. A few masters tried this in the early years, as we have seen, offering slaves freedom in return for working hard for a few years, or assigning them plots of land and allowing them time to grow tobacco or corn crops for themselves.⁶⁴ But to offer rewards of this kind was to lose the whole advantage of slavery. In the end,

⁶³ Henning, II, 26.

⁶⁴ See above, chap. 7, pp. 154-57.

Virginians had to face the fact that masters of slaves must inflict pain at a higher level than masters of servants. Slaves could not be made to work for fear of losing liberty, so they had to be made to fear for their lives. Not that any master wanted to lose his slave by killing him, but in order to get an equal or greater amount of work, it was necessary to beat slaves harder than servants, so hard, in fact, that there was a much larger chance of killing them than had been the case with servants. Unless a master could correct his slaves in this way without running afoul of the law if he misjudged the weight of his blows, slaveowning would be legally hazardous. So in 1669 the assembly faced the facts and passed an act that dealt with them forthrightly:

An act about the casual killing of slaves.

Whereas the only law in force for the punishment of refractory servants resisting their master, mistress or overseer cannot be inflicted upon negroes (because the punishment was extension of time), nor the obstinacy of many of them by other than violent means suppress, *Be it enacted and declared by this grand assembly*, if any slave resist his master (or other by his masters order correcting him) and by the extremity of the correction should chance to die, that his death shall not be accounted Felony, but the master (or that other person appointed by the master to punish him) be acquit from molestation, since it cannot be presumed that pre-pensed malice (which alone makes murder Felony) should induce any man to destroy his own estate.⁵⁵

With this act already on the books in 1669, Virginia was prepared to make the most of slavery when slaves began to arrive in quantity. Later legislation only extended the principles here recognized, that correction of slaves might legally be carried to the point of killing them. The most important extensions had to do with runaways. As the numbers of slaves increased and the plantation quarters were placed farther from the house of the master, runaway slaves would frequently hide out in the woods, visiting the quarters by night, where their friends or families would shelter and share food with them. To eliminate this problem, the assembly provided that the names of such outlying slaves should be proclaimed at the door of every church in the county, after divine worship, and then if the runaways did not turn themselves in, it would "be lawful for any person or persons whatsoever, to kill and destroy such slaves by such

⁵⁵ Hening, II, 270.

ways and means as he, she, or they shall think fit, without accusation or impeachment of any crime for the same." ⁵⁶ The public would compensate the master for the loss of slaves thus killed. If one was captured alive, the owner might apply to the county court "to order such punishment to the said slave, either by dismembering, or any other way, not touching his life, as they in their discretion shall think fit, for the reclaiming any such incorrigible slave, and terrifying others from the like practices." ⁵⁷

This was no idle threat. Though the words of the law—"reclaiming," "dismembering," "discretion"—seem to soften the shock, the law authorizes not merely an open season on outlying slaves, but also the deliberate maiming of captured slaves, by judicial order. One gets a glimpse of the law in action in the records of the Lancaster County court for March 10, 1707/8:

Robert Carter Esq. Complaining to this Court against two Incorrigible negroes of his named Bambarra Harry and Dinah and praying the order of this Court for punishing the said Negroes by dismembring them It is therefore ordered That for the better reclaiming the said negroes and deterring others from ill practices That the said Robert Carter Esq. have full power according to Law to dismember the said negroes or Either of them by cutting of[f] their toes." ⁵⁸

Such was the price of slavery, and Virginia masters were prepared to pay it. In order to get work out of men and women who had nothing to gain but absence of pain, you had to be willing to beat, maim, and kill. And society had to be ready to back you even to the point of footing the bill for the property you killed.

It has been possible thus far to describe Virginia's conversion to slavery without mentioning race. It has required a little restraint to do so, but only a little, because the actions that produced slavery in

⁵⁶ Hening, III, 460 (1705). This superseded a law passed in 1680 empowering "persons that shall by lawful authority be employed to apprehend" an outlying Negro to kill him if he resisted. Hening, II, 482.

⁵⁷ Hening, III, 460-61. In 1723 the law was expanded to allow the dismemberment of any slave "notoriously guilty of going abroad in the night, or running away and lying out, and cannot be reclaimed from such disorderly courses." At the same time it was specified that no one was to be prosecuted for the death of a slave occurring as a result of dismemberment or correction. Hening, IV, 132-33.

⁵⁸ Lancaster VIII, 185. This Robert Carter was the grandfather of Robert Carter of Nomini Hall, mentioned above.

Virginia, the individual purchase of slaves instead of servants, and the public protection of masters in their coercion of unwilling labor, had no necessary connection with race. Virginians did not enslave the persons brought there by the Royal African Company or by the private traders. The only decision that Virginians had to make was to keep them as slaves. Keeping them as slaves did require some decisions about what masters could legally do to make them work. But such decisions did not necessarily relate to race.

Or did they? As one reads the record of the Lancaster court authorizing Robert Carter to chop off the toes of his slaves, one begins to wonder. Would the court, could the court, could the general assembly have authorized such a punishment for an incorrigible English servant? It seems unlikely that the English government would have allowed it. But Virginians could be confident that England would condone their slave laws, even though those laws were contrary to the laws of England.

The English government had considered the problem in 1679, when presented with the laws of Barbados, in which masters were similarly authorized to inflict punishment that would not have been allowed by English law. A legal adviser, upon reviewing the laws for the Lords of Trade, found that he could approve them, because, he said "although Negroes in that Island are punishable in a different and more severe manner than other Subjects are for Offences of the like nature; yet I humbly conceive that the Laws there concerning Negroes are reasonable Laws, for by reason of their numbers they become dangerous, and being a brutish sort of People and reckoned as goods and chattels in that Island, it is of necessity or at least convenient to have Laws for the Government of them different from the Laws of England, to prevent the great mischief that otherwise may happen to the Planters and Inhabitants in that Island."⁶⁰

It was not necessary to extend the rights of Englishmen to Africans, because Africans were "a brutish sort of people." And because they were "brutish" it was necessary "or at least convenient" to kill or maim them in order to make them work.

The killing and maiming of slaves was not common in Virginia. Incidents like Robert Carter's application to dismember his two slaves are rare in the records. But it is hard to read in diaries and letters of the everyday beating of slaves without feeling that the casual, matter-of-fact acceptance of it is related to a feeling on the

⁶⁰ C.O. 1/45, f.138.

part of masters that they were dealing with "a brutish sort of people." Thomas Jones, of Williamsburg, was almost affectionate about it in writing his wife, away on a visit, about her household slaves. Daphne and Nancy were doing well, "But Juliet is the same still, tho I do assure you she has not wanted correction very often. I chear'd her with thirty lashes a Saturday last and as many more a Tuesday again and today I hear she's sick."⁸⁰

Possibly a master could have written thus about a white maid-servant. Certainly there are many instances of servants being severely beaten, even to death. But whether or not race was a necessary ingredient of slavery, it *was* an ingredient. If slavery might have come to Virginia without racism, it did not. The only slaves in Virginia belonged to alien races from the English. And the new social order that Virginians created after they changed to slave labor was determined as much by race as by slavery.

⁸⁰ Oct. 22, 1736. *VMHB*, XXVI (1918), 285.

workhouses on the English model. And they had empowered the county courts "to take poore children from indigent parents to place them to worke in those houses," a move that may have been motivated less by the spread of poverty than by the perennial shortage of labor.³⁶ For indigent, debt-ridden parents, when freed of responsibility for their children, were also free to be pressed back into the servant ranks. Thus Virginians shared not only English contempt for the poor but also English ideas of what to do about them.

Although a degree of racial prejudice was doubtless also present in Virginia from the beginning, there is no evidence that English servants or freedmen resented the substitution of African slaves for more of their own kind. When their masters began to place people of another color in the fields beside them, the unfamiliar appearance of the newcomers may well have struck them as only skin deep. There are hints that the two despised groups initially saw each other as sharing the same predicament. It was common, for example, for servants and slaves to run away together, steal hogs together, get drunk together. It was not uncommon for them to make love together. In Bacon's Rebellion one of the last groups to surrender was a mixed band of eighty Negroes and twenty English servants.³⁷

The first slaves who reached Virginia came mainly from Barbados, where they could have learned some English, so that communication between servants and slaves was less of a problem than it would have been later when slaves came directly from Africa. And their shared experiences in field and quartering house must soon have adjusted their initial strangeness to each other. Today the racism of many poor and lower-class American whites is so notorious that we tend to think of it as natural. But in Brazil, as Carl Degler has shown, class and color divisions tend to be confounded. While social prestige attaches to whiteness, it also attaches to wealth: well-to-do blacks may rank above whites, and many poor blacks are themselves uncertain whether prejudice against them is the result of their color or their poverty.³⁸

In Virginia too, before 1660, it might have been difficult to distinguish race prejudice from class prejudice. And as long as slaves formed only an insignificant minority of the labor force, the com-

³⁶ Henning, II, 166-67.

³⁷ Coventry Papers, LXXVII, 301.

³⁸ Carl Degler, *Neither Black nor White: Slavery and Race Relations in Brazil and the United States* (New York, 1971).

munity of interest between blacks and lower-class whites posed no social problem. But Virginians had always felt threatened by the danger of a servile insurrection, and their fears increased as the labor force grew larger and the proportion of blacks in it rose. Although the replacement of servants by slaves reduced the annual increment of poor freemen, the numbers already on hand were still sufficient to keep the threat of another Bacon in everyone's mind. If freemen with disappointed hopes should make common cause with slaves of desperate hope, the results might be worse than anything Bacon had done.

The answer to the problem, obvious if unspoken and only gradually recognized, was racism, to separate dangerous free whites from dangerous slave blacks by a screen of racial contempt. Bacon himself had given the first lessons in the social usefulness of racism. He had had no special bias against blacks. Once committed to rebellion, he had welcomed servants and slaves alike to his forces. Bacon's racism was directed against Indians, and lower-class Virginians needed no instruction in hating Indians. Though by 1676 they were doubtless prejudiced against blacks as well and perhaps prejudiced in a somewhat greater degree than they were against Irishmen, Spaniards, Frenchmen, and other foreigners, the Englishmen who came to Virginia, of whatever class, learned their first lessons in racial hatred by putting down the Indians.

They had begun with the murder of Wingina at Roanoke in 1586. They had continued at Jamestown in the guerrilla raids of the early years, the wars of extermination in the 1620s, and the final reduction of the Virginia Indians in the 1640s. After the invasion of the Susquehannahs in the 1670s they had been ready and eager to follow Bacon in another war of extermination. That Bacon was not more successful in exterminating Indians or in keeping the anger of Virginia's freemen directed toward race war rather than class conflict was largely owing, as we have seen, to Berkeley's refusal to cooperate.

But if Bacon failed in his instinctive attempt to subdue class conflict by racism, his was the wave of the future that would sweep Virginians into their paradoxical union of slavery and freedom in the eighteenth century. And the rebellion did make Virginians connect their most powerful racial hostilities, publicly and officially, with slavery. Although Bacon was out to kill Indians, he was also out to enslave them. The June assembly in 1676 had given him and his men, in effect, a slave-hunting license by providing that any

enemy Indians they caught were to be their slaves for life;³⁹ and the first assembly after the rebellion specifically ordered that soldiers who had captured Indians should "reteyne and keepe all such Indian slaves or other Indian goods as they either have taken *or hereafter shall take*." The order was reenacted in April, 1679.⁴⁰ If it requires a greater degree of hatred or contempt to enslave a man rather than simply to keep him a slave, the Virginians clearly had it by 1676. They had made a deliberate public decision to enslave Indians.

Only six years earlier they had made a deliberate public decision not to enslave Indians. In 1670 the question had been raised whether Indians sold in Virginia by other Indians (who had captured them in tribal wars) should be slaves for life or for a term of years. At that time it was decided that servants who were not Christians and who were brought into the colony by land (Indians from other regions) should serve for twelve years or (if children) until thirty years of age. The same act stated that non-Christian servants brought "by shipping" (Negroes) were to be slaves for life.⁴¹ Thus Africans purchased from traders were assumed to be slaves but Indians were not. In 1682 the assembly eliminated the difference, making slaves of all imported non-Christian servants.⁴² Since only Indians and Africans fitted this description and since the assembly had already decided in 1667⁴³ that conversion to Christianity after arrival did not alter the status of a slave, the act of 1682 set the further development of slavery on a squarely racial foundation. Indians and Negroes were henceforth lumped together in Virginia legislation, and white Virginians treated black, red, and intermediate shades of brown as interchangeable. Even the offspring of a mixed Indian and white couple were defined as mulattoes.⁴⁴ It had been the original intention of the founders to exploit native labor. And as Virginians began to expand their slave holdings, they seem to have had Indians as much in view as Africans. If the natives of Virginia were insufficient in number, substitute natives from other regions could be brought in, whether from other parts of America or from Africa. They were both, after all, basically uncivil, unchristian, and, above all, unwhite.

³⁹ Henning, II, 346.

⁴⁰ *Ibid.*, 404, 440. Emphasis added. Cf. *ibid.*, IV, 10.

⁴¹ *Ibid.*, II, 283.

⁴² *Ibid.*, 490-92.

⁴³ *Ibid.*, 260.

⁴⁴ *Ibid.*, III, 252. But Indian blood was evidently considered less potent than that of blacks, since not only a black parent but even a black grandparent or great-grandparent was enough to make a person qualify as mulatto.

Indians, whether captured within the colony or brought from without, never became available in sufficient numbers to form a significant part of Virginia's labor force. But the act of 1682 did result in the importation of many more Indian slaves than has usually been recognized. A law passed two years earlier had made slaves tithable at the age of twelve and required the owner of slave children to bring them to the county court to have their ages judged (within three months of passage of the act or three months after their arrival).⁴⁵ In Henrico County, as a result, in the year from April, 1683, to April, 1684, thirty-three Indian children, ranging in age from four to eighteen, were registered. In the same period no Negro children were registered. Henrico, located at the head of navigation on the James River, seems to have had more access to Indian slaves than most other counties. In Northumberland County in the two years after passage of the act, the court judged the ages of two Indians and three Negro children. In York County the figures were four Indian and twelve Negro; in Accomack four Indian and nine Negro.⁴⁶

It seems clear that at the time when Virginians were beginning to buy Negro slaves in large numbers, they were also buying Indians. Indians were thus seen within the settlements more commonly than they ever had been before, and they were seen as slaves. Under these circumstances it was easy for Virginians to extend to blacks some of the bad feelings they harbored toward Indians. The new blacks were also at a disadvantage in coming for the most part directly from Africa and being therefore unable to communicate readily with English servants. The Indians too were outlanders, probably mostly from Carolina. Both were slaves and only they were slaves. It would have been natural not only for their owners but also for their fellow servants to lump them together in a lowest common denominator of racist hatred and contempt.

Obviously it was to the advantage of the men who ran Virginia to encourage such contempt in the colony's white servants and poor freemen. How clearly the advantage was perceived is impossible to say; but if Negro slavery came to Virginia without anyone having to decide upon it as a matter of public policy, the same is not true

⁴⁵ *Ibid.*, II, 479.

⁴⁶ Figures drawn from Henrico II, Northumberland III, York VI, Accomack IX. In the next century Virginians employed the friendly Tuscarora to capture slaves from enemy tribes, offering "the usual price of slaves for every woman and child delivered as captives." Oct. 24, 1711. *Executive Journals*, III, 287, 295.

of racism. By a series of acts, the assembly deliberately did what it could to foster the contempt of whites for blacks and Indians. In 1670 it forbade free Negroes and Indians, "though baptised," to own Christian servants.⁴⁷ In 1680 it prescribed thirty lashes on the bare back "if any negroe or other slave shall presume to lift up his hand in opposition against *any* christian."⁴⁸ This was a particularly effective provision in that it allowed servants to bully slaves without fear of retaliation, thus placing them psychologically on a par with masters. And in 1705, when the assembly ordered the dismemberment of unruly slaves, it specifically forbade masters to "whip a christian white servant naked, without an order from a justice of the peace."⁴⁹ Nakedness, after all, was appropriate only to a brutish sort of people, who had not achieved civility or Christianity.

But the term "Christian white servant" points to one of the complications Virginians had to overcome in emphasizing racial differences. There had always been in Virginia a rough congruity of Christianity, whiteness, and freedom and of heathenism, non-whiteness, and slavery. The early acts defining the servitude of Negroes and Indians had assumed that they would both normally be non-Christian. Yet neither Indians nor Negroes were immune to Christianity, and one ostensible aim of the founders of Virginia had been to convert the Indians. Although there had been little effort to carry out the aim, missionary zeal might someday effect it. And Africans, uprooted from their own environment, could be highly susceptible to the religion of their masters. By becoming Christian would they not become free?

Before the 1660s it seems to have been assumed that Christianity and slavery were incompatible. Negroes and Indians held in slavery who could prove that they had been baptized sometimes sued for their freedom and won it. Negroes who can be identified in the records as free generally had both a forename and a surname, implying baptism, instead of being designated simply as Mingo, Frank, Jack, and so on. The assembly in 1662 ordered the release of a Powhatan Indian who had been wrongly sold into servitude for life, "he speaking perfectly the English tongue and desiring baptism."⁵⁰

As slavery became more profitable, the assembly moved to protect masters by building a wall between conversion and emancipation. As we have seen, it specifically provided that baptism should

⁴⁷ Hening, II, 280.

⁴⁹ *Ibid.*, III, 448.

⁴⁸ *Ibid.*, 481, emphasis added.

⁵⁰ *Ibid.*, II, 155.

not affect the bondage of either Negroes or Indians.⁵¹ The avowed object was to encourage masters in Christianizing their slaves by eliminating the danger of losing a slave through his conversion. But the effect, whether intended or not, was to remove the most powerful motive for a slave to wish for baptism. And masters, perhaps from a lingering uneasiness about holding Christians in slavery, were content to be served by pagans. When the act was passed in 1667, slaves were probably still expected to attend church like everyone else, and the expectation may have continued for some years longer. But after slaves began to arrive in large numbers, it seems to have been abandoned.⁵² Masters were reluctant to have their slaves become Christians, one minister noted, "because they say it often makes them proud, and not so good servants." Virginia slaves for the most part went unbaptized, despite hints from the mother country that they should be.⁵³ The prestige that went with being Christian instead of heathen could thus be reserved normally for the free and the white. But since the congruity could never be perfect, slaves were contrasted in the enactments not simply with Christian servants but with "Christian white servants."

The assembly's efforts to distinguish such servants from slaves went well beyond exempting them from being whipped naked. In an act that created perhaps the most invidious distinction between them, the assembly specifically protected the property of servants while confiscating what belonged to slaves. During the seventeenth century it had been common for masters to give a cow or a pig to a favored slave or to allow slaves to acquire such property by extra efforts of their own. But in 1705, in the same act that authorized the

⁵¹ *Ibid.*, 260.

⁵² The change may be reflected in the different steps taken by the assembly to make its acts about slaves known. In 1682 it provided for a twice yearly reading of the acts in church in the midst of services (after the second lesson). But in 1705 the acts were to be read after the service, at the door of the church. The change may imply that slaves were no longer allowed inside the church but might gather outside, or it may mean that masters tended to spend more time in the churchyard than in church, or it may mean that Commissary James Blair had objected to the interruption of divine service.

⁵³ *Journals of the House of Burgesses, 1695-1702*, 174; Journal of Francis Louis Michel (1702), *VAHB*, XXIV (1916), 116; Jones, *Present State of Virginia*, 70; Pargellis, "Account of the Indians in Virginia," 242; M. W. Jernegan, *Laboring and Dependent Classes in Colonial America, 1607-1783* (Chicago, 1931), 24-44.

dismemberment of unruly slaves, the assembly provided that servants were to have the sole use, benefit, and propriety of any property they owned or that came into their possession by gift or any other lawful means, but that "all horses, cattle, and hogs, now belonging, or that hereafter shall belong to any slave, or of any slaves mark . . . shall be seized and sold by the church-wardens of the parish, wherein such horses, cattle, or hogs shall be, and the profit thereof applied to the use of the poor of the said parish."⁶⁴ Thus even the small property previously allowed to slaves who had the excess energy and industry to work for it was to be handed over to poor whites—a highly effective device for dissociating the two.

It was in the area of sexual relations that the authorities were most assiduous to separate the races. Up to and perhaps through the 1660s it is difficult to document any indisputably racist feeling about miscegenation. A famous instance, often cited, is the case of Hugh Davis in 1630, ordered to be whipped "before an assembly of Negroes and others for abusing himself to the dishonor of God and shame of Christians, by defiling his body in lying with a negro."⁶⁵ But this could reflect religious rather than racial feeling: that a Christian should not lie with a heathen. Or it could be a case of sodomy rather than fornication. The specific order for "an assembly of Negroes" may signify only the court's intention to impress the mores of a Christian community upon the heathen in its midst. We have seen that in 1649 a pair of interracial fornicators were required to do penance like any other couple. And court records show the usual fines or whipping for fornication, regardless of the sinners' color, up to 1662.⁶⁶ In that year an act to determine the status of the children of a Negro woman by an English father declared that children should be slave or free according to the condition of the mother.⁶⁷ Even this cannot be seen unequivocally as dictated by racism. English ideas of property rights and the prudential consideration of keeping a child with its mother and reimbursing the mother's master for its support could have been involved. The act could even have offered an incentive to miscegenation by relieving the English father of a mulatto bastard from paying for its support as he would have to do in the case of a child borne by an English woman. Probably in order to deter men from seizing this open invitation to inexpensive sin, the act included a clause imposing double penalties on

⁶⁴ Henning, III, 459-60.

⁶⁵ *Ibid.*, I, 146.

⁶⁶ See chap. 7, note 77.

⁶⁷ Henning, II, 170.

Christians for fornication with Negroes. This again could be seen as prompted by moral concern and perhaps also by religious scruples about copulation between Christian and heathen. In any case, the act said nothing about interracial marriages.

Such marriages were by no means unknown in Virginia. In Northumberland County in 1656 Elizabeth Kay, a mulatto woman whose father had been free, sued for her freedom through an attorney, William Greensted, who was apparently white. After the suit succeeded, Greensted married her.⁶⁸ In Northampton County Francis Payne, a free Negro, was married to a white woman named Aymey, who remarried with a white man, William Gray, after Payne's death. Aymey's second marriage was evidently less successful than the first, for she was soon complaining to the court that her new husband was beating her and wasting the estate she brought him.⁶⁹

Another case of mixed marriage appears in the Norfolk County records, where a question was raised in 1671 as to whether Francis Skiper's wife was tithable. The court decided that since she was a Negro she was indeed tithable. Skiper, who appears in the records at various times, was never identified as a Negro and was almost certainly white. He was executed for murder in 1679, but Ann was still living as a widow in Norfolk in 1691.⁷⁰ A more remarkable case was that of Hester Tate, an English servant of James Westcomb in Westmoreland County, who was legitimately married to James Tate, a slave of Patrick Spence. In 1691 the couple had four mulatto children, three of whom were in that year apprenticed to Spence and the other to Westcomb.⁷¹ In that same year the assembly took action

⁶⁸ Warren M. Billings, "The Cases of Fernando and Elizabeth Key: A Note on the Status of Blacks in Seventeenth-Century Virginia," *WMQ*, 3rd ser., XXX (1973), 467-74.

⁶⁹ Northampton X, 220-21; XII, 59, 69. Francis Payne is identified as Negro in the records. That Aymey was white is evident from the fact that she was never included in the tithe lists. That William Gray was white is evident from the fact that in 1666, when he was a servant to John Michaels, he was listed with Michaels' other white servants, Michaels' Negroes being listed separately.

⁷⁰ The pair were married at least as early as February 2, 1667/8, when they sold 100 acres of land. Norfolk V, 28. The court's ruling that she was tithable is in Norfolk VI, 73, other references *ibid.*, 73a, 84a, 89, 92, 112a, 115a, 122a; Norfolk IX, 231; VII, 67, 74. Evidence of Skiper's execution in 1679 is in Norfolk VII, 95, and IX, 130.

⁷¹ Westmoreland VI, 40, 41.

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 "for prevention of that abominable mixture and spurious issue which hereafter may encrease in this dominion, as well by negroes, mulattoes, and Indians intermarrying with English, or other white women, as by their unlawfull accompanying with one another."⁸²

The act provided extensive punishments for miscegenation in or out of wedlock. A white man or woman who married a Negro, mulatto, or Indian was to be banished from the colony. That the act ran counter to the wishes of some inhabitants is suggested by a petition to the council in 1699, by "George Ivie and others, for the Repeale of the Act of Assembly, Against English people's Marrying with Negroes Indians or Mulattoes."⁸³ George Ivy was a resident of Norfolk, the son of a planter of the same name, from whom he had inherited a hundred acres of land in 1689.⁸⁴ The council referred his petition to the House of Burgesses, which ignored it. In the same session the burgesses also rejected a proposal from the justices of Surry County asking that the law in question be strengthened.⁸⁵ That the justices should have made the proposal argues that they thought mixed marriages were too common in Surry, which like Norfolk was a poor man's county. Though the assembly rejected the proposal, six years later it did alter the law, to provide a less drastic but more effective deterrent to racial intermarriage among ordinary people. Instead of banishment, which would deprive the colony of a potential laborer (or two), the assembly imposed six months' imprisonment and a fine of £10. At the same time it levied a fine of 10,000 pounds of tobacco on the minister who presided at the marriage.⁸⁶

Both the original act of 1691 and the 1705 revision gave less attention to intermarriage than to the illicit relations of white women with black or mulatto men. A free white woman who had an illegitimate child by a black or mulatto father was to be fined £15. If she could not pay, she was to be sold for a five-year term. The child, though free because its mother was free, was to spend the first thirty years of its life in servitude for the benefit of the parish (again the white poor would profit). If the woman was a servant, she was to serve her master an extra two years, as the law provided for servants

⁸² Hening, III, 86-87.

⁸³ H. R. McIlwaine, ed., *Legislative Journals of the Council of Colonial Virginia* (Richmond, 1918), I, 262.

⁸⁴ Norfolk IX, 86a; X, 94, 105, 181, 189.

⁸⁵ *Journals of the House of Burgesses, 1695-1702*, 148.

⁸⁶ Hening, III, 453-54.

having bastards, and then she was to be sold for another five years. The proceeds of this sale would be divided equally among the king, the parish, and the informer. All these provisions were repeated in the revision of 1705.

Women were still scarce in Virginia in 1691 and doubtless continued to be for another twenty or thirty years. At the turn of the century there were probably about three men for every two women.⁶⁷ The laws against miscegenation were aimed at confining the affections of these rare white women to white men. And there seems to have been good reason for concern. In Westmoreland from 1690 to 1698 fourteen white women were punished for having a total of nineteen illegitimate children, of which at least four were mulatto. In Norfolk in the same period thirteen women were punished for the same number of children, of whom at least three were mulatto. In Lancaster County from 1702 to 1712 twenty-six white women were punished for a total of thirty-two illegitimate children, of which nine were mulatto. It would appear that black men were competing all too successfully for white women, even in the face of the severe penalties.⁶⁸

The result of such unions could be a blurring of the distinction between slave and free, black and white. The children would ultimately become free and might constitute an intermediate class, neither black nor white. By providing severe punishments for white women who gave themselves to blacks, the authorities not only discouraged the fraternization of slaves and poor whites but also assisted white freemen to find wives.

The laws said nothing about black women who had illegitimate children by white fathers, perhaps because few black women were free and the children of slave women were neither legitimate nor illegitimate, no matter who the father was. Given the power of white masters over women slaves, it is altogether likely that many black women bore mulatto children. But since the mother was a slave, the child, in spite of his intermediate color, would be a slave. Such mulattoes would therefore not constitute an intermediate class. They must be seen as black. And the assembly took pains in all its laws to identify them with blacks and to deny them any benefit from a free paternity.

⁶⁷ This was the ratio in Maryland in 1704. *Archives of Maryland*, XXV, 256.

⁶⁸ Westmoreland VI, Norfolk IX and X, Lancaster VIII.

The class of free Negroes and mulattoes already in existence could not be eliminated without more draconian measures than the assembly was willing to undertake. But the class could be prevented, or at least hindered, from growing. In 1691 the assembly forbade masters to free slaves unless they paid for the transportation of them out of the colony.⁶⁹ Later the assembly flatly forbade emancipation except by approval of the governor and council for some signal public service (such as revealing a slave conspiracy) and authorized the seizure and sale as a slave again of any Negro, mulatto, or Indian whose owner attempted to free him.⁷⁰

Negroes, mulattoes, and Indians already free did manage to stay in the colony and to cling to their freedom. But it was made plain to them and to the white population that their color rendered freedom inappropriate for them. In spite of being free, they were denied the right to vote or hold office or to testify in court proceedings.⁷¹ And their women, unlike white women, were subject to taxation, whether they worked in the fields or not. These handicaps, together with the penalties for miscegenation, successfully dissociated them from whites, however poor. Consolidated in a single pariah group, regardless of ancestry, language, religion, or native genius, they remained a small factor in Virginia's free society.

⁶⁹ Hening, III, 87. This provision originated in the council. *Legislative Journals of Council*, I, 149-51.

⁷⁰ Hening, IV, 132 (1723). The act requiring transportation of manumitted slaves was omitted from the comprehensive revision of laws in 1705. In 1713 the council, prompted by the manumission of sixteen slaves in the will of John Fulcher of Norfolk County, proposed that the assembly "provide by a law against such manumission of slaves, which may in time by their increase and correspondence with other slaves may [sic] endanger the peace of this Colony." *Executive Journals*, III, 332. But the assembly apparently did not enact the provision until 1723.

⁷¹ Hening, III, 250-51, 298. Cf. Emory G. Evans, ed., "A Question of Complexion: Documents concerning the Franchise in Eighteenth-Century Virginia," *VMHB*, LXXI (1963), 411-15. John H. Russell, *The Free Negro in Virginia, 1619-1865* (Baltimore, 1913), is based on original sources and remains an excellent treatment of the subject.

Edmund S. Merger,
Bird of the Republic,
1763-1789. ^{3rd ed.} Chicago: U. of
Chicago Press, 1956, 1992,
5-11, 15-27.



I

The Americans and the Empire

The people who undertook the search seemed to their contemporaries—and even to themselves—as unlikely a group as could be found to join in any common enterprise. The American colonists were reputed to be a quarrelsome, litigious, divisive lot, and historical evidence bears out this reputation. The records of the local courts in every colony are cluttered with such a host of small lawsuits that one receives from them the impression of a people who sued each other almost as regularly as they ate or slept. Their newspapers bristle with indignant letters to the editor about matters that now seem trifling. Ministers kept the presses busy with pamphlets denouncing each other's doctrines.

Within every colony there were quarrels between different sections. Eastern Connecticut despised western Connecticut. Newport, Rhode Island, was at odds with Providence, and the rest of New England looked upon the whole of Rhode Island with undisguised contempt. Western North Carolina was so irritated by eastern North Carolina that civil war broke out in 1771. Not only did the different sections of every colony quarrel with each other, but every colony engaged in perennial boundary disputes with its neighbors. Even when faced with Indian uprisings, neighboring colonies could seldom be brought to assist each other. When New York was

attacked, Massachusetts found that her budget would not allow her to send aid. When Massachusetts was attacked, the New Yorkers in turn twiddled their thumbs.

So notorious was the hostility which every American seemed to feel for every other American that James Otis, one of the early leaders in the search we are about to examine, averred in 1765 that "were these colonies left to themselves tomorrow, America would be a mere shambles of blood and confusion." And an English traveler who toured the colonies in 1759 and 1760 came to precisely the same conclusion: "Were they left to themselves, there would soon be civil war from one end of the continent to the other." Twenty years later these same people united to create a government that has had a longer continuous existence than that of any other Western country except England.

How they were able to do it must always remain a source of wonder, but with the benefit of hindsight we may see that in spite of their divisions they did have much in common. For one thing they were mainly of English descent—and proud of it. There were two large exceptions: the first a wedge of Scotch-Irish and Germans in the back country from Pennsylvania southward, the second a half-million African slaves scattered throughout the colonies but with the greatest numbers on the tobacco and rice plantations of the South. The Africans were the great exception to everything that can be said about colonial Americans. Though they did much of the work, they enjoyed few of the privileges and benefits of life in America.

For the great majority of Americans who still spoke of England as "home," even though they had never been there, being English meant having a history that stretched back continuously into a golden age of Anglo-Saxon purity and freedom. The past as it existed in their minds may have borne little resemblance to what

actually happened. It was a past in which freedom, born among the Anglo-Saxons, was submerged by the Norman Conquest and only gradually recovered, the final triumph occurring in the Glorious Revolution of 1688. It was more myth than reality, but the myth served to give to the forester in New Hampshire and the cattle drover in North Carolina a pride in a common heritage. Even those parts of English history that had occurred since the founding of the colonies were cheerfully appropriated, and in the ensuing years of strife with the mother country there was no repudiation of the heritage. Throughout the war and after, Americans maintained that they were preserving the true tradition of English history, a tradition that had been upset by forces of darkness and corruption in England itself.

That such a defection should have occurred came as no surprise to the colonists, because they shared a distinctly bearish view of human nature. As they were for the most part English, so they were even more overwhelmingly Protestant. Maryland was the only colony with a substantial minority of Catholics. And except for a handful of German Lutherans, the Protestants were predominantly of Calvinist origin. Among the more sophisticated, especially in the cities and large towns, it was the fashion to take a somewhat happier view of human nature than Calvin had endorsed, but even those who thought man good enough to win heaven by his own efforts seem to have been skeptical about the likelihood of kings and statesmen making the grade. It was an outright infidel, Thomas Paine, who declared that government, like dress, is the badge of lost innocence. This common assumption, that men and especially men in power are prone to corruption, was to prove a potent force in keeping Americans traveling together in the same direction.

Still another common denominator lay in the fact that most of the inhabitants of every colony made their living from the soil.

There were four or five large cities—Charleston, Philadelphia, New York, Newport, Boston—and several more good-sized towns where merchants and tradesmen flourished, but most people north and south lived on land they cultivated. And probably most of them (research has not revealed the exact proportion), especially in the North, owned their land.

This widespread ownership of property is perhaps the most important single fact about the Americans of the Revolutionary period. It meant that they were not divided so widely between rich and poor as the people of the Old World. Most of the men and women who settled the colonies had come with expectations of a better life for themselves and their children, and most had achieved it. Though there was as yet no professed belief in social equality, though in every colony there were aristocrats, marked by the fine houses they lived in and the fine clothes they wore, there were no peasants for them to lord it over—except always the slaves. Apart from the slaves the people were much of a piece and did not know what it meant to bow and scrape to a titled nobility.

Ownership of property gave not only economic independence but also political independence to the average American. In every colony that was to join in the Revolution there was a representative assembly, elected by property-holders, which made the laws and levied the taxes. Historians once assumed that the property qualification confined the suffrage to a small segment of the population. But if most men owned property, as now seems probable, then most men could vote.

They enjoyed also a common privilege the meaning of which was more difficult to determine: they were all subjects of Great Britain. This privilege—and they counted it as such—they shared not only with each other but with people in Canada, Florida, the West Indies, and the East Indies. They were part of the largest empire

the Western world had ever known, an empire that in 1763 had just finished defeating its most serious rival, France, in the long and bloody Seven Years' War.

For Americans the great thing about this empire, apart from the sheer pride of belonging to it, was that it let you alone. The average colonist might go through the year, might even go through a lifetime, without seeing an officer of the empire. The colonies had not been founded under imperial direction but by private enterprise operating under what amounted to a license from the King of England. In most colonies the King appointed the governor and gave him directions, but it was one thing to give directions and another to have them carried out.

On paper the governor's powers seemed large, larger even than those that the king enjoyed in the English government. The royal governor of a colony had the right to summon or dismiss his representative assembly at will, and he had a veto power over its every act. But in practice the governor proved a paper tiger. He had virtually no funds to run the government except what he could wheedle from the assembly. He could not do without the yearly taxes it voted, nor could he afford to antagonize the members who did the voting by disallowing legislation they favored. In practice, therefore, he could exercise his seeming powers only cautiously and sparingly; otherwise he might bring his government to a standstill. And though the king could still veto a colonial law that the governor had unwillingly allowed, the assemblies generally managed to get their way in the end. Their control over taxation was a weapon that even their distant monarch was obliged to respect.

Apart from the royal governors, the only imperial officers normally encountered in the colonies were those charged with enforcing the Navigation Acts. These were acts passed by the British Parliament to regulate colonial trade so that raw materials were produced

for the mother country and manufactured goods were purchased there. The acts required that certain products of the colonies, such as tobacco, rice, indigo, and furs, when exported should be taken only to England or to another English colony; they required that the colonies purchase European manufactures only through England; and they required that all colonial trade be carried in English or colonial shipping. The acts also charged duties to discourage the colonists from importing certain foreign items, granted bounties to encourage them in supplying specific raw products, and prohibited them from some kinds of manufacturing. For example, a bounty was granted on the production of raw iron, but the production of finished iron goods was forbidden (except in those mills already operating when the prohibition was established in 1750).

The purpose of the acts was to promote the economic welfare of the empire in general and of the mother country in particular. The restrictions placed on the colonies to make them serve English interests did not seriously hamper them, because the acts required the same kind of activities that the free play of economic forces would probably have produced anyhow. In America natural resources, especially land, were cheap, while labor (and consequently manufacturing) was dear. In the Old World the situation was reversed. Under these circumstances it was advantageous for the colonists to sell raw materials and buy manufactures. Though they had to buy from England, England was the most advanced industrial country in the world and could generally offer the best prices.

The only Navigation Act that could have caused real hardship was one passed in 1733, placing a duty of sixpence per gallon on molasses imported into the colonies from outside the British Empire. If it had been enforced, the Molasses Act might have crippled the New England rum trade and distilling industry: the duty on foreign molasses was prohibitively high, and the sugar plantations

in the British West Indies, for the benefit of which the act was passed, did not produce enough molasses to satisfy the thirst of colonial tipplers or of the other rum drinkers from the fishing banks of Newfoundland to the coasts of Africa. But the act was not enforced. The customs officers who were supposed to collect the duty were a venal lot; and the New Englanders were able to arrange a standard bribe, varying from a half-penny to a penny and a half per gallon, in return for which the officers looked the other way whenever a cargo of French molasses arrived.

Doubtless the collectors were persuaded by similar methods to overlook occasional cargoes of French or Dutch textiles. But if the colonists felt aggrieved by the Navigation Acts, other than the Molasses Act, they did not say so. They did not even complain that the acts were passed by a British Parliament in which they had no representative. It has often been suggested that their contentment was the result of the ineffectiveness of imperial administration, and it must be admitted that the empire was run in a strangely listless manner.

The government of Great Britain had not been designed to cover half the globe, and when Englishmen were not busy extending their possessions still farther, they were apt to regard the problem of turnpikes in Yorkshire as vastly more important than the enforcement of the Navigation Acts in New York. Administration of the colonies was left to the King, who turned it over to his Secretary of State for the Southern Department (whose principal business was England's relations with southern Europe). The Secretary left it pretty much to the Board of Trade and Plantations, a sort of Chamber of Commerce with purely advisory powers. The Board of Trade told the Secretary what to do; he told the royal governors; the governors told the colonists; and the colonists did what they pleased.

BRITISH LEGISLATIVE ACTIONS LEADING TO THE REVOLUTION

LAW	PROVISIONS	CONSEQUENCES
Sugar Act, 1764	Reduced tax on molasses brought into colonies from British and non-British ports; meant to strengthen the Molasses Act, 1733	Colonists had been smuggling molasses from French colonies and not paying the tax. Strict enforcement meant paying the tax or not having molasses.
Currency Act, 1764	Forbid the colonies from issuing their own paper money; taxes to be paid in gold or silver coin, specie , rather than paper money	Because the balance of trade had shifted to Great Britain around 1750, colonial merchants had been sending large amounts of currency to Great Britain to pay their taxes, already making it difficult for merchants to do business.
Quartering Act, 1765	Passed as a way to save money on keeping the British army sent after the Proclamation of 1763; colonists to provide barracks and supplies for the soldiers	Colonists feared this was the beginning of a permanent British army that they would have to support.
Stamp Act, 1765	Provided that colonists must buy a special stamp to place on almost every kind of document: wills, marriage licenses, playing cards, newspapers, etc. (The English had been paying this tax since 1694.)	It was the first tax placed on goods made and sold in the colonies and, as such, did not support mercantilism .
Townshend Acts, 1767	Placed import duties on such goods as glass, paint, paper, and tea; created more admiralty courts ; suspended the New York legislature because it had refused to obey the Quartering Act	This was the first tax levied on goods imported from Great Britain. Revenue raised by the tax was to be used to pay salaries of royal governors and judges in the colonies, thus negating the power of the purse .
Tea Act, 1773	Continued tax on tea imposed by the Townshend Act; gave monopoly on selling tea in the colonies to the British East India Company; allowed company to choose merchants to sell its tea in the colonies	Tea merchants not chosen to sell the company's tea feared they would lose their businesses. There was also concern that in time the sale of other goods could be controlled in the same way.

BRITISH LEGISLATIVE ACTIONS LEADING TO THE REVOLUTION

LAW	PROVISIONS	CONSEQUENCES
Intolerable Acts, 1774 (also known as Coercive Acts)	<p>Aimed specifically at Massachusetts as a result of the Boston Tea Party:</p> <ul style="list-style-type: none"> • Boston Port Act: closed the port until the colonists paid for the tea • Quartering Act: required colonists to house troops sent to Massachusetts to enforce the Intolerable Acts • Administration of Justice Act: allowed a soldier or official accused of a crime to be tried outside the colony if the governor believed the person could not receive a fair trial in the colony • Massachusetts Bay Regulating Act: revoked the colony's charter 	The acts, which took away rights that colonists believed were theirs as British subjects, angered not only colonists in Massachusetts but throughout the colonies.
Quebec Act, 1774	Extended the province of Quebec south to the Ohio River valley and west to the Mississippi River; British officials would govern it directly, but colonists could keep their laws; Roman Catholics could continue to practice their religion	Although the act was not meant to punish the English colonists, they viewed it as such because it negated the claims of Massachusetts, Connecticut, and Virginia to parts of the new province and allowed Roman Catholicism.

colonists to pay for these benefits. Not surprisingly, the colonists disagreed. The war was over, and they expected things to return to what they had been before—with one difference: the colonists saw a divergence between their interests and those of Great Britain.

Test-Taking Strategy

Compare British policy before and after Grenville became prime minister.

- British policy toward the colonies changed significantly with the selection of George Grenville as Prime Minister in 1763: (1) the **Navigation Acts** were to be strictly enforced, (2) customs officials could no longer remain in England and send deputies to collect taxes, (3) **writs of assistance** were to be issued to allow officials to search for smuggled goods and collect unpaid taxes, (4) British warships were to patrol the coastline, and (5) smugglers were no longer to be tried in front of friendly juries of their peers but in front of **admiralty courts**. This violated one of the basic rights of the English people guaranteed in the **Magna Carta**.
- At the passage of the **Stamp Act**, Patrick Henry raised the cry of **taxation without representation** in his **Virginia Resolves**, which the House of Burgesses passed. According to his argument, each colonial charter guaranteed its citizens the same rights as people living in England. In England, the right to tax the people rested with the House of Commons, but the colonists had no

"Independence, I am aware, has attractions for all mankind; but I maintain that, in the present quarrel, the friends of independence are the promoters of slavery."

America Should Not Declare Independence from Great Britain

John Dickinson (1732-1808)

On June 7, 1776, Virginia delegate Richard Henry Lee made the following resolution to the Second Continental Congress, which had been assembling in Philadelphia since May 1775:

Resolved, That these United Colonies are, and of right ought to be, free and independent states, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved.

After several days of debate, vote on the motion was delayed while a committee was appointed to draft a declaration justifying independence. Opponents of independence, following the repeated failures of attempting reconciliation with Great Britain, were in a dwindling minority. One of the most noteworthy was Pennsylvania delegate John Dickinson. A lawyer and member of the Pennsylvania Assembly, Dickinson had been one of the important leaders of the colonies' cause, and his pamphlets denouncing British tax policy had gained him wide renown in the colonies. Despite his opposition to much of Great Britain's stance toward America, Dickinson was opposed to total independence.

The following viewpoint is taken from Dickinson's speech on July 1, 1776, arguing against Lee's resolution. (The speech was not recorded at the time, but was reconstructed and published some years later.) It was reprinted in *Principles and Acts of the Revolution in America* (Hezekiah Niles, ed., Baltimore, 1822). Dickinson argues that the liberties he and other colonists seek are best found within a union with Great Britain. He also asserts that independence would lead to defeat against British armed forces and to anarchy and loss of liberty at home. He urges the delegates to resist emotional appeals for independence. Despite his efforts, the colonies unanimously voted the next day to adopt the independence resolution, Dickinson having arranged to be absent. Despite his misgivings about independence, Dickinson served in the American army during the Revolution. He later served as governor of Pennsylvania and as a delegate to the 1787 Constitutional Convention. 95

It too often happens, fellow citizens, that men, heated by the spirit of party, give more importance in their discourses, to the surface and appearance of objects, than either to reason or justice; thus evincing that their aim is not to appease tumults but to excite them; not to repress the passions but to inflame them; not to compose ferocious discords but to exasperate and embitter them more and more. They aspire but to please the powerful, to gratify their own ambition, to flatter the caprices of the multitude in order to captivate their favor. Accordingly, in popular commotions, the party of wisdom and of equity is commonly found in the minority; and, perhaps, it would be safer, in difficult circumstances, to consult the smaller instead of the greater number. Upon this principle I invite the attention of those who hear me, since my opinion may differ from that of the majority; but I dare believe it will be shared by all impartial and moderate citizens who condemn this tumultuous proceeding, this attempt to coerce our opinions, and to drag us, with so much precipitation, to the most serious and important of decisions.

Two Hundred Years of Happiness

But, coming to the subject in controversy, I affirm that prudent men do not abandon objects which are certain to go in pursuit of those which offer only uncertainty. Now, it is an established fact that America can be well and happily governed by the English laws, under the same king and the same Parliament. Two hun-

chy and popular tyranny? In the human body the head only sustains and governs all the members, directing them, with admirable harmony, to the same object, which is self-preservation and happiness; so the head of the body politic, that is the king, in concert with the Parliament, can alone maintain the union of the members of this Empire, lately so flourishing, and prevent civil war by obviating all the evils produced by variety of opinions and diversity of interests. And so firm is my persuasion of this that I fully believe the most cruel war which Great Britain could make upon us would be that of not making any; and that the surest means of bringing us back to her obedience would be that of employing none. For the dread of the English arms, once removed, provinces would rise up against provinces and cities against cities; and we shall be seen to turn against ourselves the arms we have taken up to combat the common enemy.

Insurmountable necessity would then compel us to resort to the tutelary authority which we should have rashly abjured, and, if it consented to receive us again under its aegis, it would be no longer as free citizens but as slaves. Still inexperienced and in our infancy, what proof have we given of our ability to walk without a guide? None, and, if we judge the future by the past, we must conclude that our concord will continue as long as the danger, and no longer.

Even when the powerful hand of England supported us, for the paltry motives of territorial limits and distant jurisdictions, have we not abandoned ourselves to discords, and sometimes even to violence? And what must we not expect, now that minds are heated, ambitions roused, and arms in the hands of all?

Foreign Considerations

If, therefore, our union with England offers us so many advantages for the maintenance of internal peace, it is no less necessary to procure us, with foreign powers, that condescension and respect which is so essential to the prosperity of our commerce, to the enjoyment of any consideration, and to the accomplishment of any enterprise. Hitherto in our intercourse with the different nations of the world, England has lent us the support of her name and of her arms. We have presented ourselves in all the ports and in all the cities of the globe, not as Americans, a people scarcely heard of, but as English. Under shadow of this respected name, every port was open to us, every way was smooth, every demand was heard with favor. From the moment when our separation shall take place, everything will assume a contrary direction. The nations will accustom themselves to look upon us with disdain; even the pirates of Africa and Europe will fall upon our vessels, will massacre our seamen, or lead them into a cruel and perpet-

There is in the human species, often so inexplicable in their affections, a manifest propensity to oppress the feeble as well as to flatter the powerful. Fear always carries it against reason, pride against moderation, and cruelty against clemency.

Real Independence

Independence, I am aware, has attractions for all mankind; but I maintain that, in the present quarrel, the friends of independence are the promoters of slavery, and that those who desire to separate us would but render us more dependent, if independence means the right of commanding and not the necessity of obeying, and if being dependent is to obey and not command. If, in rendering ourselves independent of England, supposing, however, that we should be able to effect it, we might be so, at the same time, of all other nations, I should applaud the project; but to change the condition of English subjects for that of slaves to the whole world is a step that could only be counseled by insanity. If you would reduce yourselves to the necessity of obeying, in all things, the mandates of supercilious France, who is now kindling fire under our feet, declare yourselves independent. If, to British liberty, you prefer the liberty of Holland, of Venice, of Genoa, or of Ragusa, declare yourselves independent. But, if we would not change the signification of words, let us preserve and carefully maintain this dependence which has been, down to this very hour, the principle and source of our prosperity, of our liberty, of our real independence.

But here I am interrupted and told that no one questions the advantages which America derived at first from her conjunction with England; but that the new pretensions of the ministers have changed all, have subverted all. If I should deny that, for the last twelve years, the English government has given the most fatal direction to the affairs of the colonies, and that its measures toward us savor of tyranny, I should deny not only what is the manifest truth but even what I have so often advanced and supported. But is there any doubt that it already feels a secret repentance? These arms, these soldiers it prepares against us are not designed to establish tyranny upon our shores but to vanquish our obstinacy, and to compel us to subscribe to conditions of accommodation.

In vain is it asserted that the Ministry will employ all means to make themselves quite sure of us in order to exercise upon us, with impunity, all the rigor of their power; for to pretend to reduce us to an absolute impossibility of resistance, in cases of oppression, would be, on their part, a chimerical project. The distance of the seat of government, the vast extent of intervening seas, the continual increase of our population, our warlike spirit,

our experience in arms, the lakes, the rivers, the forests, the 98
files which abound in our territory, are our pledges that England
will always prefer to found her power upon moderation and lib-
erty rather than upon rigor and oppression. An uninterrupted
succession of victories and of triumphs could alone constrain
England to acknowledge American independence; which,
whether we can expect, whoever knows the instability of fortune
can easily judge.

If we have combated successfully at Lexington and at Boston,
Quebec and all Canada have witnessed our reverses. Everyone
sees the necessity of opposing the extraordinary pretensions of
the ministers; but does everybody see also that of fighting for in-
dependence?

It is to be feared that, by changing the object of the war, the pre-
sent harmony will be interrupted, that the ardor of the people
will be chilled by apprehensions for their new situation. By sub-
stituting a total dismemberment to the revocation of the laws we
complain of, we should fully justify the ministers; we should
merit the infamous name of rebels, and all the British nation
would arm, with an unanimous impulse, against those who, from
oppressed and complaining subjects, should have become all at
once irreconcilable enemies. The English cherish the liberty we
defend; they respect the dignity of our cause; but they will blame,
they will detest our recourse to independence, and will unite
with one consent to combat us.

European Treachery

The propagators of the new doctrine are pleased to assure us
that, out of jealousy toward England, foreign sovereigns will lav-
ish their succors upon us, as if these sovereigns could sincerely
applaud rebellion; as if they had not colonies, even here in Amer-
ica, in which it is important for them to maintain obedience and
tranquility. Let us suppose, however, that jealousy, ambition, or
vengeance should triumph over the fear of insurrection; do you
think these princes will not make you pay dear for the assistance
with which they flatter you? Who has not learned, to his cost, the
perfidy and the cupidity of Europeans? They will disguise their
avarice under pompous words; under the most benevolent pre-
texts they will despoil us of our territories, they will invade our
fisheries and obstruct our navigation, they will attempt our lib-
erty and our privileges. We shall learn too late what it costs to
trust to those European flatteries, and to place that confidence in
inveterate enemies which has been withdrawn from long tried
friends.

There are many persons who, to gain their ends, extol the ad-
vantages of a republic over monarchy. I will not here undertake

to examine which of these two forms of government mer⁹⁹the preference. I know, however, that the English nation, after having tried them both, has never found repose except in monarchy. I know, also, that in popular republics themselves, so necessary is monarchy to cement human society, it has been requisite to institute monarchical powers, more or less extensive, under the names of *archons*, of *consuls*, of *doges*, of *gonfaloniers*, and finally of *kings*. Nor should I here omit an observation, the truth of which appears to me incontestable—the English constitution seems to be the fruit of the experience of all anterior time, in which monarchy is so tempered that the monarch finds himself checked in his efforts to seize absolute power; and the authority of the people is so regulated that anarchy is not to be feared. But for us it is to be apprehended that, when the counterpoise of monarchy shall no longer exist, the democratic power may carry all before it and involve the whole state in confusion and ruin. Then an ambitious citizen may arise, seize the reins of power, and annihilate liberty forever; for such is the ordinary career of ill-balanced democracies, they fall into anarchy, and thence under despotism.

Such are the opinions which might have been offered you with more eloquence, but assuredly not with more zeal or sincerity. May heaven grant that such sinister forebodings be not one day accomplished! May it not permit that, in this solemn concourse of the friends of country, the impassioned language of presumptuous and ardent men should have more influence than the pacific exhortations of good and sober citizens; prudence and moderation found and preserve empires; temerity and presumption occasion their downfall.

less business there is for a king. It is somewhat difficult to find a proper name for the government of E—. Sir William Meredith calls it a republic; but in its present state it is unworthy of the name, because the corrupt influence of the crown, by having all the places in its disposal, hath so effectually swallowed up the power, and eaten out the virtue of the house of commons (the republican part in the constitution) that the government of England is nearly as monarchical as that of France or Spain. Men fall out with names without understanding them. For it is the republican and not the monarchical part of the constitution of England which Englishmen glory in, viz. the liberty of choosing an house of commons from out of their own body – and it is easy to see that when the republican virtue fails, slavery ensues. Why is the constitution of E—d sickly, but because monarchy hath poisoned the republic, the crown hath engrossed the commons?

In England a k— hath little more to do than to make war and give away places; which in plain terms, is to impoverish the nation and set it together by the ears. A pretty business indeed for a man to be allowed eight hundred thousand sterling a year for, and worshipped into the bargain! Of more worth is one honest man to society, and in the sight of God, than all the crowned ruffians that ever lived.

THOUGHTS ON THE PRESENT STATE OF AMERICAN AFFAIRS.

IN the following pages I offer nothing more than simple facts, plain arguments, and common sense; and have no other preliminaries to settle with the reader, than that he will divest himself of prejudice and prepossession, and suffer his reason and his feelings to determine for

themselves; that he will put *on*, or rather that he will not put *off*, the true character of a man, and generously enlarge his views beyond the present day.

Volumes have been written on the subject of the struggle between England and America. Men of all ranks have embarked in the controversy, from different motives, and with various designs; but all have been ineffectual, and the period of debate is closed. Arms, as the last resource, decide the contest; the appeal was the choice of the king, and the continent hath accepted the challenge.

It hath been reported of the late Mr Pelham (who tho' an able minister was not without his faults) that on his being attacked in the house of commons, on the score, that his measures were only of a temporary kind, replied, '*they will last my time.*' Should a thought so fatal and unmanly possess the colonies in the present contest, the name of ancestors will be remembered by future generations with detestation.

'The sun never shined on a cause of greater worth. 'Tis not the affair of a city, a country, a province, or a kingdom, but of a continent – of at least one eighth-part of the habitable globe. 'Tis not the concern of a day, a year, or an age; posterity are virtually involved in the contest, and will be more or less affected, even to the end of time, by the proceedings now. Now is the seed time of continental union, faith and honor. The least fracture now will be like a name engraved with the point of a pin on the tender rind of a young oak; the wound will enlarge with the tree, and posterity read it in full grown characters.

By referring the matter from argument to arms, a new æra for politics is struck; a new method of thinking hath arisen. All plans, proposals, &c. prior to the nineteenth of April, *i. e.* to the commencement of hostilities, are like the almanacks of the last year; which, though proper then, are superceded and useless now. Whatever was advanced by the advocates on either side of the question then, termin-

ated in one and the same point, viz. a union with Great Britain; the only difference between the parties was the method of effecting it; the one proposing force, the other friendship; but it hath so far happened that the first hath failed, and the second hath withdrawn her influence. — 830

As much hath been said of the advantages of reconciliation, which, like an agreeable dream, hath passed away and left us as we were, it is but right, that we should examine the contrary side of the argument, and inquire into some of the many material injuries which these colonies sustain, and always will sustain, by being connected with, and dependant on Great Britain. To examine that connexion and dependance, on the principles of nature and common sense, to see what we have to trust to, if separated, and what we are to expect, if dependant.

I have heard it asserted by some, that as America hath flourished under her former connexion with Great-Britain, that the same connexion is necessary towards her future happiness, and will always have the same effect. Nothing can be more fallacious than this kind of argument. We may as well assert, that because a child has thrived upon milk, that it is never to have meat; or that the first twenty years of our lives is to become a precedent for the next twenty. But even this is admitting more than is true, for I answer roundly, that America would have flourished as much, and probably much more, had no European power had any thing to do with her. The commerce by which she hath enriched herself are the necessities of life, and will always have a market while eating is the custom of Europe.

But she has protected us, say some. That she hath engrossed us is true, and defended the continent at our expence as well as her own is admitted, and she would have defended Turkey from the same motive, viz. the sake of trade and dominion.

Alas, we have been long led away by ancient prejudices,

and made large sacrifices to superstition. We have boasted the protection of Great-Britain, without considering, that her motive was *interest* not *attachment*; that she did not protect us from *our enemies* on *our account*, but from *her enemies* on *her own account*, from those who had no quarrel with us on any *other account*, and who will always be our enemies on the *same account*. Let Britain wave her pretensions to the continent, or the continent throw off the dependance, and we should be at peace with France and Spain were they at war with Britain. The miseries of Hanover last war ought to warn us against connexions.

It hath lately been asserted in parliament, that the colonies have no relation to each other but through the parent country, *i. e.* that Pensylvania and the Jerseys, and so on for the rest, are sister colonies by the way of England; this is certainly a very round-about way of proving relationship, but it is the nearest and only true way of proving enemyship, if I may so call it. France and Spain never were, nor perhaps ever will be our enemies as *Americans*, but as our being the *subjects of Great Britain*.

But Britain is the parent country, say some. Then the more shame upon her conduct. Even brutes do not devour their young, nor savages make war upon their families; wherefore the assertion, if true, turns to her reproach; but it happens not to be true, or only partly so, and the phrase *parent* or *mother country* hath been jesuitically adopted by the — and his parasites, with a low papistical design of gaining an unfair bias on the credulous weakness of our minds. Europe, and not England, is the parent country of America. This new world hath been the asylum for the persecuted lovers of civil and religious liberty from *every part* of Europe. Hither have they fled, not from the tender embraces of the mother, but from the cruelty of the monster; and it is so far true of England, that the same

tyranny which drove the first emigrants from home, pursues their descendants still.

In this extensive quarter of the globe, we forget the narrow limits of three hundred and sixty miles (the extent of England) and carry our friendship on a larger scale; we claim brotherhood with eve-European christian, and triumph in the generosity of the sentiment.

It is pleasant to observe by what regular gradations we surmount the force of local prejudice, as we enlarge our acquaintance with the world. A man born in any town in England divided into parishes, will naturally associate most with his fellow parishioners (because their interests in many cases will be common) and distinguish him by the name of *neighbour*; if he meet him but a few miles from home, he drops the narrow idea of a street, and salutes him by the name of *townsman*; if he travels out of the county, and meet him in any other, he forgets the minor divisions of street and town, and calls him *countryman*, i. e. *countyman*; but if in their foreign excursions they should associate in France or any other part of *Europe*, their local remembrance would be enlarged into that of *Englishmen*. And by a just parity of reasoning, all Europeans meeting in America, or any other quarter of the globe, are *countrymen*; for England, Holland, Germany, or Sweden, when compared with the whole, stand in the same places on the larger scale, which the divisions of street, town, and county do on the smaller ones; distinctions too limited for continental minds. Not one third of the inhabitants, even of this province, are of English descent. Wherefore I reprobate the phrase of parent or mother country applied to England only, as being false, selfish, narrow and ungenerous.

But admitting that we were all of English descent, what does it amount to? Nothing. Britain, being now an open enemy, extinguishes every other name and title: And to say that reconciliation is our duty, is truly farcical. The first

king of England, of the present line (William the Conqueror) was a Frenchman, and half the peers of England are descendants from the same country; wherefore by the same method of reasoning, England ought to be governed by France.

Much hath been said of the united strength of Britain and the colonies, that in conjunction they might bid defiance to the world. But this is mere presumption; the fate of war is uncertain, neither do the expressions mean any thing; for this continent would never suffer itself to be drained of inhabitants to support the British arms in either Asia, Africa, or Europe.

Besides, what have we to do with setting the world at defiance? Our plan is commerce, and that, well attended to, will secure us the peace and friendship of all Europe; because it is the interest of all Europe to have America a *free port*. Her trade will always be a protection, and her barrenness of gold and silver secure her from invaders.

I challenge the warmest advocate for reconciliation, to shew, a single advantage that this continent can reap, by being connected with Great Britain. I repeat the challenge, not a single advantage is derived. Our corn will fetch its price in any market in Europe, and our imported goods must be paid for buy them where we will.

But the injuries and disadvantages we sustain by that connection, are without number; [and our duty to mankind at large, as well as to ourselves, instruct us to renounce the alliance:] Because, any submission to, or dependance on Great Britain, tends directly to involve this continent in European wars and quarrels; and sets us at variance with nations, who would otherwise seek our friendship, and against whom, we have neither anger nor complaint. As Europe is our market for trade, we ought to form no partial connection with any part of it. It is the true interest of America to steer clear of European contentions, which she

never can do, while by her dependance on Britain, she is made the make-weight in the scale of British politics.

Europe is too thickly planted with kingdoms to be long at peace, and whenever a war breaks out between England and any foreign power, the trade of America goes to ruin, *because of her connection with Britain*. The next war may not turn out like the last, and should it not, the advocates for reconciliation now will be wishing for separation then, because, neutrality in that case, would be a safer convoy than a man of war. Every thing that is right or natural pleads for separation. The blood of the slain, the weeping voice of nature cries, 'TIS TIME TO PART. Even the distance at which the Almighty hath placed England and America, is a strong and natural proof, that the authority of the one, over the other, was never the design of Heaven. The time likewise at which the continent was discovered, adds weight to the argument, and the manner in which it was peopled encreases the force of it. The reformation was preceded by the discovery of America, as if the Almighty graciously meant to open a sanctuary to the persecuted in future years, when home should afford neither friendship nor safety.

The authority of Great-Britain over this continent, is a form of government, which sooner or later must have an end: And a serious mind can draw no true pleasure by looking forward, under the painful and positive conviction, that what he calls 'the present constitution' is merely temporary. As parents, we can have no joy, knowing that *this government* is not sufficiently lasting to ensure any thing which we may bequeath to posterity: And by a plain method of argument, as we are running the next generation into debt, we ought to do the work of it, otherwise we use them meanly and pitifully. In order to discover the line of our duty rightly, we should take our children in our hand, and fix our station a few years farther

into life; that eminence will present a prospect, which a few present fears and prejudices conceal from our sight.

Though I would carefully avoid giving unnecessary offence, yet I am inclined to believe, that all those who espouse the doctrine of reconciliation, may be included within the following descriptions. Interested men, who are not to be trusted; weak men who *cannot* see; prejudiced men who *will not* see; and a certain set of moderate men, who think better of the European world than it deserves; and this last class by an ill-judged deliberation, will be the cause of more calamities to this continent than all the other three.

It is the good fortune of many to live distant from the scene of sorrow; the evil is not sufficiently brought to *their* doors to make *them* feel the precariousness with which all American property is possessed. But let our imaginations transport us for a few moments to Boston, that seat of wretchedness will teach us wisdom, and instruct us for ever to renounce a power in whom we can have no trust. The inhabitants of that unfortunate city, who but a few months ago were in ease and affluence, have now no other alternative than to stay and starve, or turn out to beg. Endangered by the fire of their friends if they continue within the city, and plundered by the soldiery if they leave it. In their present condition they are prisoners without the hope of redemption, and in a general attack for their relief, they would be exposed to the fury of both armies.

Men of passive tempers look somewhat lightly over the offences of Britain, and, still hoping for the best, are apt to call out, '*Come we shall be friends again for all this.*' But examine the passions and feelings of mankind. Bring the doctrine of reconciliation to the touchstone of nature, and then tell me, whether you can hereafter love, honour, and faithfully serve the power that hath carried fire and sword into your land? If you cannot do all these, then are you only

deceiving yourselves, and by your delay bringing ruin upon posterity. Your future connection with Britain, whom you can neither love nor honour, will be forced and unnatural, and being formed only on the plan of present convenience, will in a little time fall into a relapse more wretched than the first. But if you say, you can still pass the violations over, then I ask, Hath your house been burnt? Hath your property been destroyed before your face? Are your wife and children destitute of a bed to lie on, or bread to live on? Have you lost a parent or a child by their hands, and yourself the ruined and wretched survivor? If you have not, then are you not a judge of those who have. But if you have, and can still shake hands with the murderers, then are you unworthy the name of husband, father, friend, or lover, and whatever may be your rank or title in life, you have the heart of a coward, and the spirit of a sycophant.

This is not inflaming or exaggerating matters, but trying them by those feelings and affections which nature justifies, and without which, we should be incapable of discharging the social duties of life, or enjoying the felicities of it. I mean not to exhibit horror for the purpose of provoking revenge, but to awaken us from fatal and unmanly slumbers, that we may pursue determinately some fixed object. It is not in the power of Britain or of Europe to conquer America, if she do not conquer herself by *delay* and *timidity*. The present winter is worth an age if rightly employed, but if lost or neglected, the whole continent will partake of the misfortune; and there is no punishment which that man will not deserve, be he who, or what, or where he will, that may be the means of sacrificing a season so precious and useful. JMB

It is repugnant to reason, to the universal order of things, to all examples from the former ages, to suppose, that this continent can longer remain subject to any external power. The most sanguine in Britain does not think so.

"It seems that the rebellion against British rule allowed a certain group of the colonial elite to replace those loyal to England, give some benefits to small landholders, and leave poor white working people and tenant farmers in very much their old situation."

The War for Independence Was Not a Social Revolution

Howard Zinn (1922-)

Howard Zinn is professor emeritus of political science at Boston University. He was also a civil rights activist and opponent of the Vietnam War. Zinn's books include *Disobedience & Democracy* and *Declarations of Independence: Cross-Examining American Ideology*. His 1980 book *A People's History of the United States* was nominated for an American Book Award. The tome surveys American history from colonial times to America's bicentennial from the point of view of blacks, Native Americans, women, and other minorities and disadvantaged classes. Among the events Zinn examines from this perspective is the American Revolution.

Zinn argues that the American Revolution had little positive impact on the everyday lives of most Americans. He writes that most of the leaders of the Revolution were members of the colonial elite who wished to preserve their wealth and power. They used the war for independence from Britain as a way "to create a consensus of popular support" for their continued rule and to prevent large-scale internal changes in America's society. In this

Around 1776, certain important people in the English colonies made a discovery that would prove enormously useful for the next two hundred years. They found that by creating a nation, a symbol, a legal unity called the United States, they could take over land, profits, and political power from favorites of the British Empire. In the process, they could hold back a number of potential rebellions and create a consensus of popular support for the rule of a new, privileged leadership.

When we look at the American Revolution this way, it was a work of genius, and the Founding Fathers deserve the awed tribute they have received over the centuries. They created the most effective system of national control devised in modern times, and showed future generations of leaders the advantages of combining paternalism with command.

Many Rebellions

Starting with Bacon's Rebellion in Virginia, by 1760, there had been eighteen uprisings aimed at overthrowing colonial governments. There had also been six black rebellions, from South Carolina to New York, and forty riots of various origins.

By this time also, there emerged, according to Jack Greene, "stable, coherent, effective and acknowledged local political and social elites." And by the 1760s, this local leadership saw the possibility of directing much of the rebellious energy against England and her local officials. It was not a conscious conspiracy, but an accumulation of tactical responses.

After 1763, with England victorious over France in the Seven Years' War (known in America as the French and Indian War), expelling them from North America, ambitious colonial leaders were no longer threatened by the French. They now had only two rivals left: the English and the Indians. The British, wooing the Indians, had declared Indian lands beyond the Appalachians out of bounds to whites (the Proclamation of 1763). Perhaps once the British were out of the way, the Indians could be dealt with. Again, no conscious forethought strategy by the colonial elite, but a growing awareness as events developed.

With the French defeated, the British government could turn its attention to tightening control over the colonies. It needed revenues to pay for the war, and looked to the colonies for that. Also,

the colonial trade had become more and more important to the British economy, and more profitable: it had amounted to about 500,000 pounds in 1700 but by 1770 was worth 2,800,000 pounds.

So, the American leadership was less in need of English rule, the English more in need of the colonists' wealth. The elements were there for conflict.

The war had brought glory for the generals, death to the privates, wealth for the merchants, unemployment for the poor. There were 25,000 people living in New York (there had been 7,000 in 1720) when the French and Indian War ended. A newspaper editor wrote about the growing "Number of Beggars and wandering Poor" in the streets of the city. Letters in the papers questioned the distribution of wealth: "How often have our Streets been covered with Thousands of Barrels of Flour for trade, while our near Neighbors can hardly procure enough to make a Dumplin to satisfy hunger?"

Gary Nash's study of city tax lists shows that by the early 1770s, the top 5 percent of Boston's taxpayers controlled 49 percent of the city's taxable assets. In Philadelphia and New York too, wealth was more and more concentrated. Court-recorded wills showed that by 1750 the wealthiest people in the cities were leaving 20,000 pounds (equivalent to about \$2.5 million today).

In Boston, the lower classes began to use the town meeting to vent their grievances. The governor of Massachusetts had written that in these town meetings "the meanest Inhabitants . . . by their constant Attendance there generally are the majority and outvote the Gentlemen, Merchants, Substantial Traders and all the better part of the Inhabitants."

What seems to have happened in Boston is that certain lawyers, editors, and merchants of the upper classes, but excluded from the ruling circles close to England—men like James Otis and Samuel Adams—organized a "Boston Caucus" and through their oratory and their writing "molded laboring-class opinion, called the 'mob' into action, and shaped its behaviour." This is Gary Nash's description of Otis, who, he says, "keenly aware of the declining fortunes and the resentment of ordinary townspeople, was mirroring as well as molding popular opinion."

Using the Lower Classes

We have here a forecast of the long history of American politics, the mobilization of lower-class energy by upper-class politicians, for their own purposes. This was not purely deception; it involved, in part, a genuine recognition of lower-class grievances, which helps to account for its effectiveness as a tactic over the centuries. As Nash puts it:

James Otis, Samuel Adams, Royall Tyler, Oxenbridge Thacher,

organized against wealthy and corrupt officials in the period from 1766 to 1771, exactly those years when, in the cities of the Northeast, agitation was growing against the British, crowding out class issues. The movement in North Carolina was called the Regulator movement, and it consisted, says Marvin L. Michael Kay, a specialist in the history of that movement, of "class-conscious white farmers in the west who attempted to democratize local government in their respective counties." The Regulators referred to themselves as "poor Industrious peasants," as "labourers," "the wretched poor," "oppressed" by "rich and powerful . . . designing Monsters." . . .

A contemporary account of the Regulator movement in Orange County describes the situation:

Thus were the people of Orange insulted by the sheriff, robbed and plundered . . . neglected and condemned by the Representatives and abused by the Magistracy; obliged to pay Fees regulated only by the Avarice of the officer; obliged to pay a Tax which they believed went to enrich and aggrandise a few, who lorded it over them continually; and from all these Evils they saw no way to escape; for the Men in Power, and Legislation, were the Men whose interest it was to oppress, and make gain of the Labourer.

In that county in the 1760s, the Regulators organized to prevent the collection of taxes, or the confiscation of the property of tax delinquents. Officials said "an absolute Insurrection of a dangerous tendency has broke out in Orange County," and made military plans to suppress it. At one point seven hundred armed farmers forced the release of two arrested Regulator leaders. The Regulators petitioned the government on their grievances in 1768, citing "the unequal chances the poor and the weak have in contentions with the rich and powerful." . . .

The result of all this was that the assembly passed some mild reform legislation, but also an act "to prevent riots and tumults," and the governor prepared to crush them militarily. In May of 1771 there was a decisive battle in which several thousand Regulators were defeated by a disciplined army using cannon. Six Regulators were hanged. Kay says that in the three western counties of Orange, Anson, and Rowan, where the Regulator movement was concentrated, it had the support of six thousand to seven thousand men out of a total white taxable population of about eight thousand.

One consequence of this bitter conflict is that only a minority of the people in the Regulator counties seem to have participated as patriots in the Revolutionary War. Most of them probably remained neutral.

Fortunately for the Revolutionary movement, the key battles

were being fought in the North, and here, in the cities, the colonial leaders had a divided white population; they could win over the mechanics, who were a kind of middle class, who had a stake in the fight against England, who faced competition from English manufacturers. The biggest problem was to keep the propertyless people, who were unemployed and hungry in the crisis following the French war, under control. . . .

In Virginia, it seemed clear to the educated gentry that something needed to be done to persuade the lower orders to join the revolutionary cause, to deflect their anger against England. One Virginian wrote in his diary in the spring of 1774: "The lower Class of People here are in tumult on account of Reports from Boston, many of them expect to be press'd & compell'd to go and fight the Britains!" Around the time of the Stamp Act, a Virginia orator addressed the poor: "Are not the gentlemen made of the same materials as the lowest and poorest among you? . . . Listen to no doctrines which may tend to divide us, but let us go hand in hand, as brothers. . . ."

It was a problem for which the rhetorical talents of Patrick Henry were superbly fitted. He was, as Rhys Isaac puts it, "firmly attached to the world of the gentry," but he spoke in words that the poorer whites of Virginia could understand. Henry's fellow Virginian Edmund Randolph recalled his style as "simplicity and even carelessness. . . . His pauses, which for their length might sometimes be feared to dispell the attention, rivited it the more by raising the expectation."

Patrick Henry's oratory in Virginia pointed a way to relieve class tension between upper and lower classes and form a bond against the British. This was to find language inspiring to all classes, specific enough in its listing of grievances to charge people with anger against the British, vague enough to avoid class conflict among the rebels, and stirring enough to build patriotic feeling for the resistance movement.

Common Sense

Tom Paine's *Common Sense*, which appeared in early 1776 and became the most popular pamphlet in the American colonies, did this. It made the first bold argument for independence, in words that any fairly literate person could understand: "Society in every state is a blessing, but Government even in its best state is but a necessary evil. . . ."

Common Sense went through twenty-five editions in 1776 and sold hundreds of thousands of copies. It is probable that almost every literate colonist either read it or knew about its contents. Pamphleteering had become by this time the chief theater of debate about relations with England. From 1750 to 1776 four hun-

Only Fifteen Percent of Americans Gained Freedom

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Four groups—Negroes, servants, women, and minors—together comprised approximately 80 per cent of the two and a half million Americans in the year 1776. The legal doctrine applied to these classes excluded them from the category of persons who should enjoy the "inalienable rights" of which the Declaration speaks. But perhaps the most significant mark of their unfreedom was their usual lack of a right to vote, for the privilege of consenting to the laws was the essential right of a free man in Lockean theory. Indeed, the very word "enfranchise" was defined in the eighteenth century as the equivalent of the word "emancipate;" it meant "to make free."...

A fifth group of colonial Americans, adult white males with little or no property, was deprived of the vote in colonial elections and so fell short of full liberty in the Lockean sense. But they were privileged above the other unfree groups since they were legally entitled to acquire property and were protected from physical abuse except such as was administered by public authority after trial as punishment for offenses against the state. Some of these disfranchised males were idiots, invalids, or residents of workhouses. Others were simply too poor to qualify under the arbitrary property requirements of the various electoral laws. Statistically they are the least significant of the unfree, although they have had more than their share of attention from critics of consensus history. They made up between 5 and 10 per cent of the total population. If they are added to the 80 per cent of the population in the other unfree categories, which were limited not merely in their political rights but in their rights to personal liberty and property as well, then only 10 to 15 per cent of the American population remain to qualify as "freemen" in the fullest sense.

dred pamphlets had appeared arguing one or another side of the Stamp Act or the Boston Massacre or the Tea Party or the general questions of disobedience to law, loyalty to government, rights and obligations.

Paine's pamphlet appealed to a wide range of colonial opinion angered by England. But it caused some tremors in aristocrats like John Adams, who were with the patriot cause but wanted to make sure it didn't go too far in the direction of democracy. Paine had denounced the so-called balanced government of Lords and

Commons as a deception, and called for single-chamber representative bodies where the people could be represented. Adams denounced Paine's plan as "so democratical, without any restraint or even an attempt at any equilibrium or counter-poise, that it must produce confusion and every evil work." Popular assemblies needed to be checked, Adams thought, because they were "productive of hasty results and absurd judgements."

Paine himself came out of "the lower orders" of England—a staymaker, tax official, teacher, poor emigrant to America. He arrived in Philadelphia in 1774, when agitation against England was already strong in the colonies. The artisan mechanics of Philadelphia, along with journeymen, apprentices, and ordinary laborers, were forming into a politically conscious militia, "in general damn'd riff-raff—dirty, mutinous, and disaffected," as local aristocrats described them. By speaking plainly and strongly, he could represent those politically conscious lower-class people (he opposed property qualifications for voting in Pennsylvania). But his great concern seems to have been to speak for a middle group. "There is an extent of riches, as well as an extreme of poverty, which, by harrowing the circles of a man's acquaintance, lessens his opportunities of general knowledge."

Once the Revolution was under way, Paine more and more made it clear that he was not for the crowd action of lower-class people—like those militia who in 1779 attacked the house of James Wilson. Wilson was a Revolutionary leader who opposed price controls and wanted a more conservative government than was given by the Pennsylvania Constitution of 1776. Paine became an associate of one of the wealthiest men in Pennsylvania, Robert Morris, and a supporter of Morris's creation, the Bank of North America.

Later, during the controversy over adopting the Constitution, Paine would once again represent urban artisans, who favored a strong central government. He seemed to believe that such a government could represent some great common interest. In this sense, he lent himself perfectly to the myth of the Revolution—that it was on behalf of a united people.

The Declaration of Independence

The Declaration of Independence brought that myth to its peak of eloquence. Each harsher measure of British control—the Proclamation of 1763 not allowing colonists to settle beyond the Appalachians, the Stamp Tax, the Townshend taxes, including the one on tea, the stationing of troops and the Boston Massacre, the closing of the port of Boston and the dissolution of the Massachusetts legislature—escalated colonial rebellion to the point of revolution. The colonists had responded with the Stamp Act

Congress, the Sons of Liberty, the Committees of Correspondence, the Boston Tea Party, and finally, in 1774, the setting up of a Continental Congress—an illegal body, forerunner of a future independent government. It was after the military clash at Lexington and Concord in April 1775, between colonial Minutemen and British troops, that the Continental Congress decided on separation. They organized a small committee to draw up the Declaration of Independence, which Thomas Jefferson wrote. It was adopted by the Congress on July 2, and officially proclaimed July 4, 1776.

By this time there was already a powerful sentiment for independence. Resolutions adopted in North Carolina in May of 1776, and sent to the Continental Congress, declared independence of England, asserted that all British law was null and void, and urged military preparations. About the same time, the town of Malden, Massachusetts, responding to a request from the Massachusetts House of Representatives that all towns in the state declare their views on independence, had met in town meeting and unanimously called for independence: "... we therefore renounce with disdain our connexion with a kingdom of slaves; we bid a final adieu to Britain."

"When in the Course of human events, it becomes necessary for one people to dissolve the political bands . . . they should declare the causes. . . ." This was the opening of the Declaration of Independence. Then, in its second paragraph, came the powerful philosophical statement:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government. . . .

It then went on to list grievances against the king, "a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States." The list accused the king of dissolving colonial governments, controlling judges, sending "swarms of Officers to harass our people," sending in armies of occupation, cutting off colonial trade with other parts of the world, taxing the colonists without their consent, and waging war against them, "transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny."

All this, the language of popular control over governments, the right of rebellion and revolution, indignation at political tyranny,

economic burdens, and military attacks, was language well suited to unite large numbers of colonists, and persuade even those who had grievances against one another to turn against England.

Some Americans were clearly omitted from this circle of united interest drawn by the Declaration of Independence: Indians, black slaves, women. . . .

To say that the Declaration of Independence, even by its own language, was limited to life, liberty, and happiness for white males is not to denounce the makers and signers of the Declaration for holding the ideas expected of privileged males of the eighteenth century. Reformers and radicals, looking discontentedly at history, are often accused of expecting too much from a past political epoch—and sometimes they do. But the point of noting those outside the arc of human rights in the Declaration is not, centuries late and pointlessly, to lay impossible moral burdens on that time. It is to try to understand the way in which the Declaration functioned to mobilize certain groups of Americans, ignoring others. Surely, inspirational language to create a secure consensus is still used, in our time, to cover up serious conflicts of interest in that consensus, and to cover up, also, the omission of large parts of the human race. . . .

When the Declaration of Independence was read, with all its flaming radical language, from the town hall balcony in Boston, it was read by Thomas Crafts, a member of the Loyal Nine group, conservatives who had opposed militant action against the British. Four days after the reading, the Boston Committee of Correspondence ordered the townsmen to show up on the Common for a military draft. The rich, it turned out, could avoid the draft by paying for substitutes; the poor had to serve. This led to rioting, and shouting: "Tyranny is Tyranny let it come from whom it may." . . .

Victory over Britain

The American victory over the British army was made possible by the existence of an already-armed people. Just about every white male had a gun, and could shoot. The Revolutionary leadership distrusted the mobs of poor. But they knew the Revolution had no appeal to slaves and Indians. They would have to woo the armed white population.

This was not easy. Yes, mechanics and sailors, some others, were incensed against the British. But general enthusiasm for the war was not strong. While much of the white male population went into military service at one time or another during the war, only a small fraction stayed. John Shy, in his study of the Revolutionary army (*A People Numerous and Armed*), says they "grew weary of being bullied by local committees of safety, by corrupt

"It was the Revolution, more than any other single event, that made America into the most liberal, democratic, and modern nation in the world."

The War for Independence Was a Social Revolution

Gordon S. Wood (1933-)

One of the questions facing students of American history is whether the American Revolution can be considered a true revolution—a fundamental change or overthrow of the rulers of America. Some historians have answered no, stating that the war for independence from Great Britain had little effect in changing the internal leadership and social structure of the colonies. In comparing the American Revolution to other revolutions, such as the French Revolution of 1789 and the Russian Revolution of 1917, they argue that the American Revolution had comparatively little impact on the ruling political and social structures.

Gordon S. Wood is one of the most prominent historians who has taken an opposing view—that the American Revolution was a transforming event that greatly altered the lives of all Americans. A professor of history at Brown University in Providence, Rhode Island, Wood is the author of many articles and two noteworthy books. In 1969 he published *The Creation of the American Republic*, a massive study of political ideology in America as it developed from the time of the Declaration of Independence to the making of the U.S. Constitution. He argued in that book that the republicanism of America's founders was radical for its time. His 1992 *The Radicalism of the American Revolution*, from which this

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viewpoint is excerpted, examines how the American Revolution changed American society. Wood argues that the changes the American Revolution brought on were profound. One of the most significant changes, he asserts, was the creating of a sense of equality for all Americans.

We Americans like to think of our revolution as not being radical; indeed, most of the time we consider it downright conservative. It certainly does not appear to resemble the revolutions of other nations in which people were killed, property was destroyed, and everything was turned upside down. The American revolutionary leaders do not fit our conventional image of revolutionaries—angry, passionate, reckless, maybe even bloodthirsty for the sake of a cause. We can think of Robespierre, Lenin, and Mao Zedong as revolutionaries, but not George Washington, Thomas Jefferson, and John Adams. They seem too stuffy, too solemn, too cautious, too much the gentlemen. We cannot quite conceive of revolutionaries in powdered hair and knee breeches. The American revolutionaries seem to belong in drawing rooms or legislative halls, not in cellars or in the streets. They made speeches, not bombs; they wrote learned pamphlets, not manifestos. They were not abstract theorists and they were not social levelers. They did not kill one another; they did not devour themselves. There was no reign of terror in the American Revolution and no resultant dictator—no Cromwell, no Bonaparte. The American Revolution does not seem to have the same kinds of causes—the social wrongs, the class conflict, the impoverishment, the grossly inequitable distributions of wealth—that presumably lie behind other revolutions. There were no peasant uprisings, no jacqueries, no burning of châteaux, no storming of prisons.

Of course, there have been many historians—Progressive or neo-Progressive historians, as they have been called—who have sought, as Hannah Arendt put it, “to interpret the American Revolution in the light of the French Revolution,” and to look for the same kinds of internal violence, class conflict, and social deprivation that presumably lay behind the French Revolution and other modern revolutions. Since the beginning of the twentieth century these Progressive historians have formulated various social interpretations of the American Revolution essentially designed to show that the Revolution, in Carl Becker’s famous words, was not only about “home rule” but also about “who was to rule at home.” They have tried to describe the Revolution essentially as a social struggle by deprived and underprivileged groups against

entrenched elites. But, it has been correctly pointed out by Bernard Bailyn], despite an extraordinary amount of research and writing during a good part of this century, the purposes of these Progressive and neo-Progressive historians—"to portray the origins and goals of the Revolution as in some significant measure expressions of a peculiar economic malaise or of the social protests and aspirations of an impoverished or threatened mass population—have not been fulfilled." They have not been fulfilled because the social conditions that generically are supposed to lie behind all revolutions—poverty and economic deprivation—were not present in colonial America. There should no longer be any doubt about it: the white American colonists were not an oppressed people; they had no crushing imperial chains to throw off. In fact, the colonists knew they were freer, more equal, more prosperous, and less burdened with cumbersome feudal and monarchical restraints than any other part of mankind in the eighteenth century. Such a situation, however, does not mean that colonial society was not susceptible to revolution.

Precisely because the impulses to revolution in eighteenth-century America bear little or no resemblance to the impulses that presumably account for modern social protests and revolutions, we have tended to think of the American Revolution as having no social character, as having virtually nothing to do with the society, as having no social causes and no social consequences. It has therefore often been considered to be essentially an intellectual event, a constitutional defense of American rights against British encroachments ("no taxation without representation"), undertaken not to change the existing structure of society but to preserve it. For some historians the Revolution seems to be little more than a colonial rebellion or a war for independence. Even when we have recognized the radicalism of the Revolution, we admit only a political, not a social radicalism. The revolutionary leaders, it is said [by Bailyn], were peculiar "eighteenth-century radicals concerned, like the eighteenth-century British radicals, not with the need to recast the social order nor with the problems of the economic inequality and the injustices of stratified societies but with the need to purify a corrupt constitution and fight off the apparent growth of prerogative power." Consequently, we have generally described the Revolution as an unusually conservative affair, concerned almost exclusively with politics and constitutional rights, and, in comparison with the social radicalism of the other great revolutions of history, hardly a revolution at all.

A Radical Revolution

If we measure the radicalism of revolutions by the degree of social misery or economic deprivation suffered, or by the number of

people killed or manor houses burned, then this conventional emphasis on the conservatism of the American Revolution becomes true enough. But if we measure the radicalism by the amount of social change that actually took place—by transformations in the relationships that bound people to each other—then the American Revolution was not conservative at all; on the contrary: it was as radical and as revolutionary as any in history. Of course, the American Revolution was very different from other revolutions. But it was no less radical and no less social for being different. In fact, it was one of the greatest revolutions the world has known, a momentous upheaval that not only fundamentally altered the character of American society but decisively affected the course of subsequent history.

It was as radical and social as any revolution in history, but it was radical and social in a very special eighteenth-century sense. No doubt many of the concerns and much of the language of that premodern, pre-Marxian eighteenth century were almost entirely political. That was because most people in that very different distant world could not as yet conceive of society apart from government. The social distinctions and economic deprivations that we today think of as the consequence of class divisions, business exploitation, or various isms—capitalism, racism, etc.—were in the eighteenth century usually thought to be caused by the abuses of government. Social honors, social distinctions, perquisites of office, business contracts, privileges and monopolies, even excessive property and wealth of various sorts—all social evils and social deprivations—in fact seemed to flow from connections to government, in the end from connections to monarchical authority. So that when Anglo-American radicals talked in what seems to be only political terms—purifying a corrupt constitution, eliminating courtiers, fighting off crown power, and, most important, becoming republicans—they nevertheless had a decidedly social message. In our eyes the American revolutionaries appear to be absorbed in changing only their governments, not their society. But in destroying monarchy and establishing republics they were changing their society as well as their governments, and they knew it. Only they did not know—they could scarcely have imagined—how much of their society they would change. J. Franklin Jameson, who more than two generations ago described the Revolution as a social movement only to be roundly criticized by a succeeding generation of historians, was at least right about one thing: "the stream of revolution, once started, could not be confined within narrow banks, but spread abroad upon the land."

By the time the Revolution had run its course in the early nineteenth century, American society had been radically and thor-

roughly transformed. One class did not overthrow another; the poor did not supplant the rich. But social relationships—the way people were connected one to another—were changed, and decisively so. By the early years of the nineteenth century the Revolution had created a society fundamentally different from the colonial society of the eighteenth century. It was in fact a new society unlike any that had ever existed anywhere in the world. . . .

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That revolution did more than legally create the United States; it transformed American society. Because the story of America has turned out the way it has, because the United States in the twentieth century has become the great power that it is, it is difficult, if not impossible, to appreciate and recover fully the insignificant and puny origins of the country. In 1760 America was only a collection of disparate colonies huddled along a narrow strip of the Atlantic coast—economically underdeveloped outposts existing on the very edges of the civilized world. The less than two million monarchical subjects who lived in these colonies still took for granted that society was and ought to be a hierarchy of ranks and degrees of dependency and that most people were bound together by personal ties of one sort or another. Yet scarcely fifty years later these insignificant borderland provinces had become a giant, almost continent-wide republic of nearly ten million egalitarian-minded bustling citizens who not only had thrust themselves into the vanguard of history but had fundamentally altered their society and their social relationships. Far from remaining monarchical, hierarchy-ridden subjects on the margin of civilization, Americans had become, almost overnight, the most liberal, the most democratic, the most commercially minded, and the most modern people in the world.

And this astonishing transformation took place without industrialization, without urbanization, without railroads, without the aid of any of the great forces we usually invoke to explain "modernization." It was the Revolution that was crucial to this transformation. It was the Revolution, more than any other single event, that made America into the most liberal, democratic, and modern nation in the world. . . .

These changes were radical, and they were extensive. To focus, as we are today apt to do, on what the Revolution did not accomplish—highlighting and lamenting its failure to abolish slavery and change fundamentally the lot of women—is to miss the great significance of what it did accomplish; indeed, the Revolution made possible the anti-slavery and women's rights movements of the nineteenth century and in fact all our current egalitarian thinking. The Revolution not only radically changed the personal and social relationships of people, including the position of women, but also destroyed aristocracy as it had been understood

in the Western world for at least two millennia. The Revolution brought respectability and even dominance to ordinary people long held in contempt and gave dignity to their menial labor in a manner unprecedented in history and to a degree not equaled elsewhere in the world. The Revolution did not just eliminate monarchy and create republics; it actually reconstituted what Americans meant by public or state power and brought about an entirely new kind of popular politics and a new kind of democratic officeholder. The Revolution not only changed the culture of Americans—making over their art, architecture, and iconography—but even altered their understanding of history, knowledge, and truth. Most important, it made the interests and prosperity of ordinary people—their pursuits of happiness—the goal of society and government. The Revolution did not merely create a political and legal environment conducive to economic expansion; it also released powerful popular entrepreneurial and commercial energies that few realized existed and transformed the economic landscape of the country. In short, the Revolution was the most radical and most far-reaching event in American history. . . .

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Conditions for Revolution

By the late 1760s and early 1770s a potentially revolutionary situation existed in many of the colonies. There was little evidence of those social conditions we often associate with revolution (and some historians have desperately sought to find): no mass poverty, no seething social discontent, no grinding oppression. For most white Americans there was greater prosperity than anywhere else in the world; in fact, the experience of that growing prosperity contributed to the unprecedented eighteenth-century sense that people here and now were capable of ordering their own reality. Consequently, there was a great deal of jealousy and touchiness everywhere, for what could be made could be unmade; the people were acutely nervous about their prosperity and the liberty that seemed to make it possible. With the erosion of much of what remained of traditional social relationships, more and more individuals had broken away from their families, communities, and patrons and were experiencing the anxiety of freedom and independence. Social changes, particularly since the 1740s, multiplied rapidly, and many Americans struggled to make sense of what was happening. These social changes were complicated, and they are easily misinterpreted. Luxury and conspicuous consumption by very ordinary people were increasing. So, too, was religious dissent of all sorts. The rich became richer, and aristocratic gentry everywhere became more conspicuous and self-conscious; and the numbers of poor in some cities and the numbers of landless in some areas increased. But social

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ties of American life were equally strong. Take, for example, the lifelong struggle of farmer and sawmill owner Moses Cooper of Glocester, Rhode Island, to rise from virtual insignificance to become the richest man in the town. In 1767-68, at the age of sixty, Cooper was finally able to hire sufficient slaves and workers to do all his manual labor; he became a gentleman and justice of the peace and appended "Esq." to his name. Certainly by this date he could respond to the rhetoric of his fellow Rhode Islanders talking about their colony as "the promised land . . . a land of milk and honey and wherein we eat bread to the full . . . a land whose stones are iron . . . and . . . other choice mines and minerals; and a land whose rivers and adjacent seas are stored with the best of fish." And Cooper might well have added, "whose forests were rich with timber," for he had made his money from lumber. Yet at the same time Cooper knew only too well the precariousness of his wealth and position and naturally feared what Britain's mercantile restrictions might mean for his lumber sales to the West Indies. What had risen so high could as readily fall: not surprisingly, he became an enthusiastic patriot leader of his tiny town of Glocester. Multiply Cooper's experience of uneasy prosperity many thousandfold and we have the stuff of a popular revolutionary movement. . . .

Patriots vs. Courtiers

The great social antagonists of the American Revolution were not poor vs. rich, workers vs. employers, or even democrats vs. aristocrats. They were patriots vs. courtiers—categories appropriate to the monarchical world in which the colonists had been reared. Courtiers were persons whose position or rank came artificially from above—from hereditary or personal connections that ultimately flowed from the crown or court. Courtiers, said John Adams, were those who applied themselves "to the Passions and Prejudices, the Follies and Vices of Great Men in order to obtain their Smiles, Esteem, and Patronage and consequently their favors and Preferments." Patriots, on the other hand, were those who not only loved their country but were free of dependent connections and influence; their position or rank came naturally from their talent and from below, from recognition by the people. "A real patriot," declared one American in 1776, was "the most illustrious character in human life. Is not the interest and happiness of his fellow creatures his care?" . . .

It is in this context that we can best understand the revolutionaries' appeal to independence, not just the independence of the country from Great Britain, but, more important, the independence of individuals from personal influence and "warm and private friendship." The purpose of the Virginia constitution of 1776,

one Virginian recalled, was "to prevent the undue and overwhelming influence of great landholders in elections." This was to be done by disfranchising the landless "tenants and retainers" who depended "on the breath and varying will" of these great men and by ensuring that only men who owned their own land could vote.

A republic presumed, as the Virginia declaration of rights put it, that men in the new republic would be "equally free and independent," and property would make them so. Property in a republic was still conceived of traditionally—in proprietary terms—not as a means of personal profit or aggrandizement but rather as a source of personal authority or independence. It was regarded not merely as a material possession but also as an attribute of a man's personality that defined him and protected him from outside pressure. A carpenter's skill, for example, was his property. Jefferson feared the rabble of the cities precisely because they were without property and were thus dependent. . . .

In a monarchical world of numerous patron-client relations and multiple degrees of dependency, nothing could be more radical than this attempt to make every man independent. What was an ideal in the English-speaking world now became for Americans an ideological imperative. Suddenly, in the eyes of the revolutionaries, all the fine calibrations of rank and degrees of unfreedom of the traditional monarchical society became absurd and degrading. The Revolution became a full-scale assault on dependency.

Dependency and Slavery

At the beginning of the eighteenth century the English radical whig and deist John Toland had divided all society into those who were free and those who were dependent. "By *Freeman*," wrote Toland, "I understand men of property, or persons that are able to live of themselves; and those who cannot subsist in this independence, I call *Servants*." In such a simple division everyone who was not free was presumed to be a servant. Anyone tied to someone else, who was someone's client or dependent, was servile. The American revolutionary movement now brought to the surface this latent logic in eighteenth-century radical whig thinking.

Dependency was now equated with slavery, and slavery in the American world had a conspicuous significance. "What is a slave," asked a New Jersey writer in 1765, "but one who depends upon the will of another for the enjoyment of his life and property?" "Liberty," said Stephen Hopkins of Rhode Island, quoting Algernon Sidney, "solely consists in an independency upon the will of another; and by the name of slave we understand a man who can neither dispose of his person or goods, but enjoys all at

the will of his master." It was left to John Adams in 1775 to **126** the ultimate conclusion and to destroy in a single sentence the entire conception of society as a hierarchy of graded ranks and degrees. "There are," said Adams simply, "but two sorts of men in the world, freemen and slaves." Such a stark dichotomy collapsed all the delicate distinctions and dependencies of a monarchical society and created radical and momentous implications for Americans.

Independence, declared David Ramsay in a memorable Fourth of July oration in 1778, would free Americans from that monarchical world where "favor is the source of preferment," and where "he that can best please his superiors, by the low arts of fawning and adulation, is most likely to obtain favor." The revolutionaries wanted to create a new republican world in which "all offices lie open to men of merit, of whatever rank or condition." They believed that "even the reins of state may be held by the son of the poorest men, if possessed of abilities equal to the important station." They were "no more to look up for the blessings of government to hungry courtiers, or the needy dependents of British nobility"; but they had now to educate their "own children for these exalted purposes." Like Stephen Burroughs, the author of an extraordinary memoir of these years, the revolutionaries believed they were "so far . . . republican" that they considered "a man's merit to rest entirely with himself, without any regard to family, blood, or connection." We can never fully appreciate the emotional meaning these commonplace statements had for the revolutionaries until we take seriously their passionate antagonism to the prevalence of patronage and family influence in the *ancien régime*.

Of course, the revolutionary leaders did not expect poor, humble men—farmers, artisans, or tradesmen—themselves to gain high political office. Rather, they expected that the sons of such humble or ungentle men, if they had abilities, would, as they had, acquire liberal and genteel republican attributes, perhaps by attending Harvard or the College of New Jersey at Princeton, and would thereby rise into the ranks of gentlemen and become eligible for high political office. The sparks of genius that they hoped republicanism would fan and kindle into flame belonged to men like themselves—men "drawn from obscurity" by the new opportunities of republican competition and emulation into becoming "illustrious characters, which will dazzle the world with the splendor of their names." Honor, interest, and patriotism together called them to qualify themselves and posterity "for the bench, the army, the navy, the learned professions, and all the departments of civil government." They would become what Jefferson called the "natural aristocracy"—liberally educated, enlightened

gentlemen of character. For many of the revolutionary leaders this was the emotional significance of republicanism—a vindication of frustrated talent at the expense of birth and blood. For too long, they felt, merit had been denied. In a monarchical world only the arts and sciences had recognized talent as the sole criterion of leadership. Which is why even the eighteenth-century *ancien régime* called the world of the arts and sciences "the republic of letters." Who, it was asked, remembered the fathers or sons of Homer and Euclid? Such a question was a republican dagger driven into the heart of the old hereditary order. "Virtue," said Thomas Paine simply, "is not hereditary." . . .

Laws of Inheritance

In their revolutionary state constitutions and laws the revolutionaries struck out at the power of family and hereditary privilege. In the decades following the Revolution all the new states abolished the legal devices of primogeniture and entail where they existed, either by statute or by writing the abolition into their constitutions. These legal devices, as the North Carolina statute of 1784 stated, had tended "only to raise the wealth and importance of particular families and individuals, giving them an unequal and undue influence in a republic, and prove in manifold instances the source of great contention and injustice." Their abolition would therefore "tend to promote that equality of property which is of the spirit and principle of a genuine republic." . . .

Women and children no doubt remained largely dependent on their husbands and fathers, but the revolutionary attack on patriarchal monarchy made all other dependencies in the society suspect. Indeed, once the revolutionaries collapsed all the different distinctions and dependencies of a monarchical society into either freemen or slaves, white males found it increasingly impossible to accept any dependent status whatsoever. Servitude of any sort suddenly became anomalous and anachronistic. In 1784 in New York, a group believing that indentured servitude was "contrary to . . . the idea of liberty this country has so happily established" released a shipload of immigrant servants and arranged for public subscriptions to pay for their passage. As early as 1775 in Philadelphia the proportion of the work force that was unfree—composed of servants and slaves—had already declined to 13 percent from the 40 to 50 percent that it had been at mid-century. By 1800 less than 2 percent of the city's labor force remained unfree. Before long indentured servitude virtually disappeared. . . .

One obvious dependency the revolutionaries did not completely abolish was that of nearly a half million Afro-American slaves, and their failure to do so, amidst all their high-blown talk

of liberty, makes them seem inconsistent and hypocritical in eyes. Yet it is important to realize that the Revolution suddenly and effectively ended the cultural climate that had allowed black slavery, as well as other forms of bondage and unfreedom, to exist throughout the colonial period without serious challenge. With the revolutionary movement, black slavery became excruciatingly conspicuous in a way that it had not been in the older monarchical society with its many calibrations and degrees of unfreedom; and Americans in 1775-76 began attacking it with a vehemence that was inconceivable earlier.

Slavery

For a century or more the colonists had taken slavery more or less for granted as the most base and dependent status in a hierarchy of dependencies and a world of laborers. Rarely had they felt the need either to criticize black slavery or to defend it. Now, however, the republican attack on dependency compelled Americans to see the deviant character of slavery and to confront the institution as they never had to before. It was no accident that Americans in Philadelphia in 1775 formed the first anti-slavery society in the world. As long as most people had to work merely out of poverty and the need to provide for a living, slavery and other forms of enforced labor did not seem all that different from free labor. But the growing recognition that labor was not simply a common necessity of the poor but was in fact a source of increased wealth and prosperity for ordinary workers made slavery seem more and more anomalous. Americans now recognized that slavery in a republic of workers was an aberration, "a peculiar institution," and that if any Americans were to retain it, as southern Americans eventually did, they would have to explain and justify it in new racial and anthropological ways that their former monarchical society had never needed. The Revolution in effect set in motion ideological and social forces that doomed the institution of slavery in the North and led inexorably to the Civil War.

With all men now considered to be equally free citizens, the way was prepared as well for a radical change in the conception of state power. Almost at a stroke the Revolution destroyed all the earlier talk of paternal or maternal government, filial allegiance, and mutual contractual obligations between rulers and ruled. The familial image of government now lost all its previous relevance, and the state in America emerged as something very different from what it had been.

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[Constitution for the United States of America]^[1]

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article. I.

Section. 1.^[2] All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons [Modified by Amendment XIV]. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section. 3. The Senate of the United States shall be composed of two Senators from each State, *chosen by the Legislature thereof* [Modified by Amendment XVII], for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; *and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the*

Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies [Modified by Amendment XVII].

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section. 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, *and such Meeting shall be on the first Monday in December* [Modified by Amendment XX], unless they shall by Law appoint a different Day.

Section. 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section. 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section. 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States;^[3] If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section. 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; — And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section. 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

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No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section. 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws; and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article. II.

Section. 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; a quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President [Modified by Amendment XII].

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected [Modified by Amendment XXV].

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: — "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article. III.

Section. 1. The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; — to all Cases affecting Ambassadors, other public Ministers and Consuls; — to all Cases of admiralty and maritime Jurisdiction; — to Controversies to which the United States shall be a Party; — to Controversies between two or more States; — *between a State and Citizens of another State* [Modified by Amendment XI]; — between Citizens of different States; — between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3. Treason against the United States shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Article. IV.

Section. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section. 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due [Modified by

Amendment XIII].

Section. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence.

Article. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; *and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate* [Possibly abrogated by Amendment XVII].

Article. VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

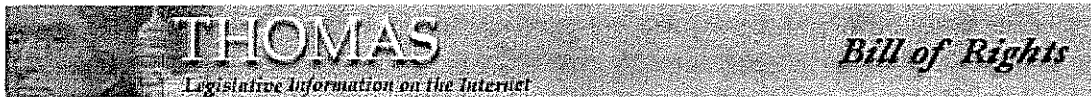
This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

The Word, "the," being interlined between the seventh and eighth Lines of the first Page, The Word "Thirty" being partly written on an Erasure in the fifteenth Line of the first Page, The Words "is tried" being interlined between the thirty second and thirty third Lines of the first Page and the Word "the" being interlined between the forty third and forty fourth Lines of the second Page.



THE BILL OF RIGHTS

Amendments 1-10 of the Constitution

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The Conventions of a number of the States having, at the time of adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added, and as extending the ground of public confidence in the Government will best insure the beneficent ends of its institution;

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, that the following articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States; all or any of which articles, when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes as part of the said Constitution, namely:

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment II

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Amendment III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against

himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

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propertied white men, and although slavery was prohibited in Northern states, the Southern economy continued to depend on it.

- Under the Articles of Confederation, the new nation accomplished the following: (1) signed the Peace of Paris ending the Revolutionary War, (2) established a policy for settling new lands and creating new states (**Land Ordinance of 1785**, **Northwest Ordinance of 1787**), and (3) established the departments of Foreign Affairs, War, Marine, and Treasury.

ARTICLES OF CONFEDERATION

WEAKNESSES	CONSEQUENCES
No chief executive; the Congress worked through committees	No coordination of committees and no uniform domestic or foreign policy
Required nine of thirteen states to approve laws (each state had one vote)	Rarely delegates from all thirteen states in Congress at once; often voted as blocs of smaller states (5) versus larger states (8)
Required all states to approve amendments	Never get agreement of all thirteen states, so Articles never amended
No power to levy or collect taxes; Congress could raise money only by borrowing or asking states for money	No reason for states to agree to requests; Congress always in need of money to fight the war
No power to regulate interstate commerce	Led to disputes between states and inability to regulate trade with foreign nations to protect American business
No power to enforce treaties	No power to force British to abide by the Peace/Treaty of Paris of 1783
No power to enforce its own laws	Only advise and request states to abide by national laws
No national court system; state courts interpreted national laws	Difficult to get states to abide by state court decisions

John Steele Gordon,¹⁴⁰
Hamilton's Blessing: The
Extraordinary Life and Times
of our National Debt.

The Hamiltonian Miracle

New York: Penguin Books, 1997.

THE UNITED STATES WAS BORN IN DEBT.
 Wars have been fought with borrowed money at least since Rome instituted the practice of forcing its richer citizens to loan the state money in order to help fund the conflict with Carthage in the third century B.C. The American Revolution was no exception on either side. This gave the British government one of its biggest advantages in the conflict, for with its well-established national debt and its efficient tax system it could borrow easily and, as we have seen, borrow it certainly did.

But there can hardly be a poorer credit risk than a newly formed government in rebellion against a Great Power. Such governments vanish with defeat, the leaders are hanged, and their debts become uncollectible. More, the American colonies had had only rudimentary tax systems, and the new Continental Congress, established in 1775, had none at all. The Congress was able to borrow

something over \$11 million from the French government and Dutch bankers—both countries soon went to war with Britain, hoping to take advantage of the situation—mostly for arms purchases in those countries. And Congress and the states sold bonds to wealthy patriots who were willing to risk the loss of their capital for the cause. But the money raised was not nearly enough. Thus the nascent United States had no choice but to resort to every financial expediency at its disposal in order to feed, equip, and pay the state militias and the Continental army.

The main source of revenue was, in fact, the printing press. Congress issued massive amounts of so-called continentals, paper money that was backed by nothing more than a declaration that it was legal tender. By the end of the war, these issues amounted to more than \$200 million at face value. But this fiat money had quickly depreciated, as fiat money always does. Before the war ended, Congress had been forced to revalue earlier issues at only 2.5 percent of face value, and the phrase “not worth a continental” would be part of the American idiom for a century. Further, the state governments and Continental Congress used what were, in effect, forced loans, requisitioning food and supplies from citizens and paying for the goods with IOUs. These also quickly depreciated as they passed from hand to hand.

These expedients were effective enough to produce victory. But when representatives of King George III signed the Treaty of Paris, on September 3rd, 1783, and acknowledged American independence, the United States, while free, was in a state of utter fiscal chaos. The

Congress was no longer paying interest on its bonds held by its own citizens. It had defaulted on its foreign debt and was months in arrears in paying the army. Worse, the new government that had been established under the Articles of Confederation in 1781, just as the fighting was ending, lacked any powers that would allow it to cope with the problem. It did not even know how great its total obligations were.

With the new state governments fighting for their lives against what they regarded as a distant tyranny, they were not about to cede any more power than absolutely necessary to a new and still distant central government, even one of their own devising. Thus members of Congress were chosen by the state legislatures and were subject to recall at any time, sharply limiting their political independence. Indeed it made them, in effect, ambassadors, not legislators at all.

To be sure, the new government had, in theory, exclusive jurisdiction over foreign affairs, but it lacked any power over foreign commerce, always a powerful instrument of diplomacy. And while it had the power to raise an army and navy, and to coin and borrow money, it did not have the power of taxation that would allow it to fund these activities.

Instead it had to apportion the costs among the several states according to the value of each state's surveyed land and wait for the states to forward the money. Thus the federal government under the Articles of Confederation more closely resembled the present-day United Nations than it did the modern U.S. government.

And as the United Nations has learned, asking sovereign governments (which invariably have pressing fiscal needs of their own) for money doesn't work well. Some states paid up promptly, others were soon seriously in arrears, and some, notably New Jersey in 1785, simply said no. The result was that the United States not only could not pay the interest on its debts, but could not even fund its current expenditures.

As if this were not enough, the American economy underwent a severe postwar recession as it adjusted to being outside the British Empire and finding its commerce barred from many of its old trading partners, especially the British West Indies.

The consequences of a federal government impotent to carry out its assigned duties were soon obvious. Foreign governments treated the United States with contempt. Britain refused to evacuate the forts in the Great Lakes region, despite the Treaty of Paris that required it to do so. It knew that the United States had no means to force such a retreat. Spain refused to recognize American control of the vast area west of the Appalachians and south of the Ohio River. Soon it closed the Mississippi to American commerce, hoping to induce the western population to shift its shaky allegiance in exchange for access to this vital waterway. And that allegiance was shaky indeed. As early as 1784, George Washington was saying that the westerners were "on a pivot. The touch of a feather would turn them any way."

The Congress tried to get the states to agree to a 5 percent tariff on trade with foreign countries. But any

such change in the Articles of Confederation required the unanimous consent of all thirteen states, and this could not be obtained. Rhode Island in particular, long the center for smuggling on this side of the Atlantic, wanted no impediments whatever on its commerce. Calls for a more far-reaching reworking of the Articles were increasingly heard, including a plan for representatives of the various states to meet in Philadelphia in May 1787.

Finally Shays's Rebellion, a spasm of discontent by debt-ridden farmers in western Massachusetts in 1786, proved the catalyst for fundamental constitutional change. The rebellion was easily suppressed, but it engendered a powerful sense that the fate of the American experiment was hanging in the balance, that the situation needed to be addressed directly and immediately. This ensured that there would be sufficient attendance at the convention in Philadelphia to have a quorum. As it turned out, only Rhode Island failed to attend. And although the convention met for the purpose of making changes in the Articles, it quickly decided to write a whole new constitution instead. (Rhode Island would be the last state to ratify it.)

The document that the Founding Fathers created that summer in Philadelphia—the desperate poverty of the old government all too fresh in their minds—put remarkably few restrictions on the new government's power to tax, borrow, and spend.

The federal government is required to provide for such things as the post office and the census, which necessarily require spending, and Congress may not make army appropriations extending for more than two

years. But it was empowered to provide for "the general welfare," a term left entirely undefined. In the twentieth century it has come to be construed so broadly as to encompass even a museum dedicated to the memory of Lawrence Welk.

The new Constitution also gave Congress exclusive power over foreign and interstate commerce and the power "to lay and collect Taxes, Duties, Imposts and Excises," a very broad mandate. But it required that they be uniform throughout the United States, in order to prevent several states from ganging up on one or two rich ones, the same reason it forbade duties on the exports of any state.

To protect the interests of the less wealthy, the Constitution required that all revenue measures originate in the House of Representatives, elected by the people, rather than the Senate, whose members were to be elected by state legislators who were, in turn, overwhelmingly men from the top of society. But to protect those men of wealth, it required that "no Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census." At the Constitutional Convention, Rufus King of Massachusetts wanted to know the precise definition of *direct taxation*. James Madison reported in his notes that "no one answered." It was a silence that would have no small consequences 100 years later. Indeed, that silence echoes loudly to this day in the American tax system.

Finally, the Congress was given the power "to borrow Money on the credit of the United States," one of the very few major powers granted in the Constitution that has no

checks or balances upon it whatever. In the context of the time, this was entirely understandable. The British Parliament, necessarily the model the Founding Fathers used in creating Congress, had come into existence at the end of the thirteenth century precisely to be a check upon the extravagance of the king, and remained such a check 500 years later. Britain's richest men represented themselves in the House of Lords, while the merely affluent were represented in the Commons. The poor, having no money, weren't represented at all. So when Parliament voted to spend money, its members were, in a very real sense, voting to spend their own money. The Founding Fathers expected Congress to be no different, and, at least for a while, it wasn't.

BECAUSE THE FINANCIAL SITUATION had been the most powerful impetus to the establishment of the new government, the most important of the new executive departments was certain to be the Treasury. It soon had forty employees to the State Department's mere five. And its tasks were as clear as they were monumental. The department would have to devise a system of taxation to fund the new government. A monetary system would have to be developed to further the country's commerce and industry. The national debt needed to be refunded and rationalized. The Customs Service had to be organized. The public credit had to be established so that the government could borrow as necessary.

All this was to be brilliantly accomplished in the first two years of the new government. It was, almost entirely,

the work of the first secretary of the treasury, Alexander Hamilton. Among the Founding Fathers, Hamilton, because of his financial genius and despite never holding elective office, would have an impact on the future of the United States that only Washington, Madison, and Jefferson equaled.

But Hamilton was not like the other Founding Fathers. He was the only one of the major figures of the early Republic who was not born in what is now the United States. Instead he was born on the minor British West Indian island of Nevis and came to manhood on what was then the Danish island of St. Croix, now part of the U.S. Virgin Islands.

Further, he was the only Founding Father, other than the ancient and by then venerable Benjamin Franklin, who was not born into the higher levels of the local society of his native colony. Rather, in the brisk, if not altogether accurate, phrase of his political enemy John Adams, Hamilton was "the bastard brat of a Scotch pedlar."

Hamilton was certainly a bastard, but his father was not a peddler. He came, in fact, from an ancient Scottish family, being a younger son of the laird of Cambuskeith. But Hamilton's father was an utter failure as a businessman. He soon parted from his family, and Hamilton's mother was forced to open a small store to feed her two sons. Hamilton became a clerk in the trading concern of Nicholas Cruger and David Beekman at Christiansted, St. Croix, at the age of eleven or thirteen. (There is some doubt about Hamilton's birth date. Nearly contemporary documents imply it was 1755. Hamilton said it was 1757.)

So bright and energetic was the young Hamilton—for his tainted birth had instilled a ferocious ambition to get ahead—that by the time he was in his midteens he was managing the concern.

Nicholas Cruger belonged to an old and powerful New York mercantile family, and he early recognized the talent of his young clerk. When he returned to New York in 1771 because of ill health, he left Hamilton in charge. Soon he helped his young employee come to New York to further his education including the study of law. Hamilton, still in his teens, left St. Croix in October 1772, never to see the West Indies again.

With the rapidly deteriorating relations between Great Britain and its American colonies, Hamilton threw in his lot with his new country. His immense talents and his capacity for work soon secured him an important role in the Revolution—as Washington's aide-de-camp—and its aftermath. When Washington became president under the new Constitution, on April 30th, 1789, he asked Robert Morris, known as "the financier of the Revolution" because of his success at finding money and supplies for the Continental army, to become secretary of the treasury. But Morris, intent on making money, turned him down.*

He recommended Hamilton instead. Morris and Hamilton had been in correspondence for several years about the country's fiscal crisis and how to solve it, and Hamilton, still in his early twenties, had greatly impressed

* It was a bad decision. Within a decade Robert Morris would be in debtor's prison.

the elder man. As early as 1781, as the Revolution still continued, Hamilton had written Morris regarding the establishment of a proper national debt on the British model. "A national debt, if it is not excessive, will be to us a national blessing," he wrote. "It will be a powerful cement to our union. It will also create a necessity for keeping up taxation to a degree which, without being oppressive, will be a spur to industry."

Washington was happy to appoint his old comrade in arms, and Hamilton, now in his early thirties, gladly gave up a lucrative law practice in New York to accept.

Hamilton's background would always set him apart and give him an outlook on life and politics the other Founding Fathers did not share. It also made him uniquely qualified to establish the financial basis of the new United States. Far more than Jefferson, Washington, Adams, and Madison, Hamilton was a nationalist. Perhaps because he had grown up viewing the colonies on the continent only from afar, his loyalty to the United States as a whole was unalloyed by any loyalty to a particular state, not even New York where he spent his adult life.

Also, Hamilton was by far the most urban and the most commercial-minded of the men who made the country. He had grown up, almost literally, in a counting house and lived most of his life in what had already long been the most cosmopolitan and commercial-minded city in the country. In 1784 he had founded a bank that continues to this day, the Bank of New York, and would found a newspaper that also lives, the *New York Post*.

Washington, Jefferson, Madison, and even Adams were far more tied to the land than was Hamilton. Jefferson, especially, longed to see the United States as a country filled with self-sufficient yeoman farmers who shunned urban life. Hamilton, at home in the city and deeply learned in both the theory and practice of finance, saw far more clearly than Jefferson how the winds of economic change were blowing in the late eighteenth century.

Hamilton was always to be, to some extent, a social outsider. Today we tend to think of the American Revolution as having brought "democracy" to the thirteen colonies. In fact it brought no such thing. The eighteenth century was an age of aristocracy, and the American colonies were no exceptions. Each colony had its oligarchy of rich, established families who dominated the economic and, under the control of a royal governor, political affairs of that colony. To give just one instance of how pervasive was the sense of social hierarchy: Students enrolled at Harvard at this time were listed not according to the alphabetical order of their surnames but according to the social standing of their families in the community.

With the removal of royal control, these oligarchies inherited a near monopoly of political power in each colony. Although the population of the United States in 1787-88 was almost 4 million, only 160,000—4 percent of the whole—voted for delegates to the state conventions to ratify the new Constitution, the most important political event of their lives. Even when only adult white males are considered, fewer than 25 percent voted. It was not for lack of interest. Rather it was that the right to vote was

years. But it was empowered to provide for "the general welfare," a term left entirely undefined. In the twentieth century it has come to be construed so broadly as to encompass even a museum dedicated to the memory of Lawrence Welk.

The new Constitution also gave Congress exclusive power over foreign and interstate commerce and the power "to lay and collect Taxes, Duties, Imposts and Excises," a very broad mandate. But it required that they be uniform throughout the United States, in order to prevent several states from ganging up on one or two rich ones, the same reason it forbade duties on the exports of any state.

To protect the interests of the less wealthy, the Constitution required that all revenue measures originate in the House of Representatives, elected by the people, rather than the Senate, whose members were to be elected by state legislators who were, in turn, overwhelmingly men from the top of society. But to protect those men of wealth, it required that "no Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census." At the Constitutional Convention, Rufus King of Massachusetts wanted to know the precise definition of *direct taxation*. James Madison reported in his notes that "no one answered." It was a silence that would have no small consequences 100 years later. Indeed, that silence echoes loudly to this day in the American tax system.

Finally, the Congress was given the power "to borrow Money on the credit of the United States," one of the very few major powers granted in the Constitution that has no

checks or balances upon it whatever. In the context of the time, this was entirely understandable. The British Parliament, necessarily the model the Founding Fathers used in creating Congress, had come into existence at the end of the thirteenth century precisely to be a check upon the extravagance of the king, and remained such a check 500 years later. Britain's richest men represented themselves in the House of Lords, while the merely affluent were represented in the Commons. The poor, having no money, weren't represented at all. So when Parliament voted to spend money, its members were, in a very real sense, voting to spend their own money. The Founding Fathers expected Congress to be no different, and, at least for a while; it wasn't.

BECAUSE THE FINANCIAL SITUATION had been the most powerful impetus to the establishment of the new government, the most important of the new executive departments was certain to be the Treasury. It soon had forty employees to the State Department's mere five. And its tasks were as clear as they were monumental. The department would have to devise a system of taxation to fund the new government. A monetary system would have to be developed to further the country's commerce and industry. The national debt needed to be refunded and rationalized. The Customs Service had to be organized. The public credit had to be established so that the government could borrow as necessary.

All this was to be brilliantly accomplished in the first two years of the new government. It was, almost entirely,

the work of the first secretary of the treasury, Alexander Hamilton. Among the Founding Fathers, Hamilton, because of his financial genius and despite never holding elective office, would have an impact on the future of the United States that only Washington, Madison, and Jefferson equaled.

But Hamilton was not like the other Founding Fathers. He was the only one of the major figures of the early Republic who was not born in what is now the United States. Instead he was born on the minor British West Indian island of Nevis and came to manhood on what was then the Danish island of St. Croix, now part of the U.S. Virgin Islands.

Further, he was the only Founding Father, other than the ancient and by then venerable Benjamin Franklin, who was not born into the higher levels of the local society of his native colony. Rather, in the brisk, if not altogether accurate, phrase of his political enemy John Adams, Hamilton was "the bastard brat of a Scotch pedlar."

Hamilton was certainly a bastard, but his father was not a peddler. He came, in fact, from an ancient Scottish family, being a younger son of the laird of Cambuskeith. But Hamilton's father was an utter failure as a businessman. He soon parted from his family, and Hamilton's mother was forced to open a small store to feed her two sons. Hamilton became a clerk in the trading concern of Nicholas Cruger and David Beekman at Christiansted, St. Croix, at the age of eleven or thirteen. (There is some doubt about Hamilton's birth date. Nearly contemporary documents imply it was 1755. Hamilton said it was 1757.)

So bright and energetic was the young Hamilton—for his tainted birth had instilled a ferocious ambition to get ahead—that by the time he was in his midteens he was managing the concern.

Nicholas Cruger belonged to an old and powerful New York mercantile family, and he early recognized the talent of his young clerk. When he returned to New York in 1771 because of ill health, he left Hamilton in charge. Soon he helped his young employee come to New York to further his education including the study of law. Hamilton, still in his teens, left St. Croix in October 1772, never to see the West Indies again.

With the rapidly deteriorating relations between Great Britain and its American colonies, Hamilton threw in his lot with his new country. His immense talents and his capacity for work soon secured him an important role in the Revolution—as Washington's aide-de-camp—and its aftermath. When Washington became president under the new Constitution, on April 30th, 1789, he asked Robert Morris, known as "the financier of the Revolution" because of his success at finding money and supplies for the Continental army, to become secretary of the treasury. But Morris, intent on making money, turned him down.*

He recommended Hamilton instead. Morris and Hamilton had been in correspondence for several years about the country's fiscal crisis and how to solve it, and Hamilton, still in his early twenties, had greatly impressed

* It was a bad decision. Within a decade Robert Morris would be in debtor's prison.

limited to those who owned substantial property, in other words, the oligarchs. That was precisely why the writers of the Constitution were so confident that Congress would be instinctively frugal.

The oligarchies, it need hardly be said, abused this monopoly of political power; monopolies, whether private or governmental, are always abused by those who hold them. The oligarchs often manipulated the legislatures to advance their own interests, such as suspending foreclosures for debt during the depressed economic conditions of the 1780s.* And taxes tended to be laid more heavily on those without the vote such as small farmers and laborers. It was the latter that had led to Shays's Rebellion in Massachusetts.

Although Hamilton married the daughter of Philip Schuyler, one of the richest members of New York's "Knickerbocker Aristocracy," he never fully belonged to it himself. While he could be charming, especially with women, he was too driven, too ambitious for fame and glory, too unable to suffer fools gladly, to be completely accepted by the men. They recognized his brilliance, utilized his intellectual and financial skills, but they never forgot where Hamilton came from or the conditions of his birth.

VERY NEARLY Congress's first act was to set about devising a federal tax system. On July 4, 1789, it passed the

* That is why the members of the Constitutional Convention placed into the document a clause forbidding the states to impair the obligation of contracts.

first Tariff Act, largely written by Hamilton, and henceforth import duties would usually provide the bulk of the federal government's revenues until the First World War (although the proceeds from the sale of public land in the West, not a tax at all, increasingly contributed to the government's revenues as the frontier pushed westward).

But, at first, tariffs were not enough. To gain more revenue, Congress passed excise taxes on carriages, distilled spirits, sugar, salt, and other items. Excise taxes are internal taxes on specific goods or on the privilege of doing business, and the tax on carriages was clearly a tax on the rich (only the rich, after all, could afford carriages) but a very modest one. Virginia quickly sued, claiming that the tax on carriages was a direct tax and thus had to be apportioned among the states according to population (in other words, according to the number of people, not carriages). Hamilton, at the request of the attorney general, argued the case for the federal government before the Supreme Court. The Court agreed with Hamilton that the carriage tax was an excise. This, as it happens, was the first time the Court addressed the constitutionality of an act of Congress.

The tax on liquor might seem to be the first of the "sin taxes," but the idea of alcohol as "demon rum" was, in fact, largely a nineteenth-century concept. Instead, liquor, sugar, and salt were taxed simply because they were three of the relatively few commodities then manufactured on an industrial scale and thus amenable to efficient tax collection.

The federal government quickly ran into a serious

problem with the so-called whiskey tax. In most areas of the country, liquor distillers were too few in number to effectively protest the new tax, and, in any event, they could easily pass it along to their customers in higher prices. But the small farmers in western areas were blocked from eastern markets by the Appalachian Mountains. They had to convert their grain to whiskey before it was in a valuable enough form to bear the cost of transportation across the mountains. A 25 percent excise tax was a heavy economic burden for them, and they flared into rebellion in 1794, the first direct challenge to the authority of the new federal government. The rebellion was quickly and easily suppressed, and the two rebels who were convicted of treason were pardoned by President Washington. But the point was made that the new federal government could, and would, enforce its writ.

A revenue stream in place, Hamilton quickly turned to refunding the debt incurred in the Revolution and by the old national government. Indeed there was not much choice for the new Constitution commanded that the federal government assume the debts of the Confederation. The argument was over who should benefit from this refunding. Much of the debt, in the form of bonds, requisition IOUs, and continentals had fallen into the hands of wealthy merchants in the major cities, who had acquired it at far below par (its nominal face value), some for as little as 10 percent of that face value.

On January 14th, 1790, Hamilton submitted his first "Report on the Public Credit," which called for redeeming the old national debt on generous terms and issuing

new bonds to pay for it, backed by the revenue from the tariff. The plan immediately became public knowledge in New York City—then the nation's temporary capital—but news of it spread only slowly, via horseback and sailing vessel, to the rest of the country. New York speculators moved at once to take advantage of the situation. They bought as many of the old bonds as they could, raising the price from 20-25 percent of par to about 40-45 percent.

There was an immediate outcry that these speculators should not be allowed to profit at the expense of those who had patriotically taken the old government's paper at par and then sold it for much less in despair or from necessity. James Jackson, a member of the House of Representatives from the sparsely settled frontier state of Georgia, was horrified by the avaricious city folk. "Since this report has been read in this house," he said in Congress, "a spirit of havoc, speculation, and ruin, has arisen, and been cherished by people who had access to the information the report contained, . . . Three vessels, sir, have sailed within a fortnight from this port [New York], freighted for speculation; they are intended to purchase up the State and other securities in the hands of the uninformed, though honest citizens of North Carolina, South Carolina, and Georgia. My soul rises indignant at the avaricious and immoral turpitude which so vile a conduct displays."

Elias Boudinot of New Jersey, wealthy and heavily involved in speculation himself, demurred. "I should be sorry," he said in reply, "if, on this occasion, the House should decide that speculations in the funds are violations

of either the moral or political law. A government hardly exists in which such speculation is disallowed; . . . [I agree] that the spirit of speculation had now risen to an alarming height; but the only way to prevent its future effect, is to give the public funds a degree of stability as soon as possible." This, undoubtedly, was Hamilton's view as well.

James Madison, in the House of Representatives for Virginia, led the attempt to undercut the speculators. He proposed that the current holders of the old bonds be paid only the present market value and that the original bondholders be paid the difference between market value and face value. There were two weighty objections to this plan.

The first was one of simple practicality. Identifying the original holders of much of this paper would have been a bureaucratic nightmare, in many cases entirely impossible. Fraud would have been rampant. The second objection was one of justice. If an original bond holder had sold his bonds to another, "are we to disown the act of the party himself?" asked Elias Boudinot. "Are we to say, we will not be bound by your transfer, we will not treat with your representative, but insist on resettlement with you alone?"

Further, to have accepted Madison's scheme would have greatly impaired any future free market in U.S. government securities and thus greatly restricted the ability of the new government to borrow in the future. The reason was simple. If the government of the moment could decide, on its own, to whom it owed past debts, any govern-

ment in the future would have a precedent to do the same. Politics would control the situation, and politics is always uncertain. There is nothing that markets hate more than uncertainty, and they weigh the value of stocks and bonds accordingly.

Hamilton, deeply versed in the ways of getting and spending, was well aware of this truth. Madison, a landowner and intellectual, was not. Hamilton, in his report, had been adamant. "It renders property in the funds less valuable, consequently induces lenders to demand a higher premium for what they lend, and produces every other inconvenience of a bad state of public credit."

Hamilton was anxious to establish the ability of the U.S. government to borrow when necessary. But he was also anxious to establish a well-funded and secure national debt for other reasons, for he was fully aware of the British experience with its national debt. Perhaps the greatest problem of the American economy at this time was a lack of liquid capital, which is to say, capital available for investment. Hamilton wanted to use the national debt to create a larger and more flexible money supply. Banks holding government bonds, he argued, could issue bank notes backed by them. He knew also that government bonds could serve as collateral for bank loans, multiplying the available capital, and that they would attract still more capital from Europe.

But there were still many people who failed to grasp the power of a national debt, properly funded and serviced, to bring prosperity to a national economy. John

Adams, hardly stupid, was one. "Every dollar of a bank bill that is issued beyond the quantity of gold and silver in the vaults," he wrote, "represents nothing, and is therefore a cheat upon somebody."

Hamilton's reasoning eventually prevailed over Madison's, although not without a great deal of rhetoric. Hamilton's father-in-law, Philip Schuyler, by this time a senator from New York, owned more than \$60,000 worth of government securities, a small fortune by the standards of the day. It was said that listening to the opposition speakers in the Senate made his hair stand "on end as if the Indians had fired at him." Rhetoric or no, the House passed Hamilton's funding proposals 36-13.

THE SECOND MAJOR PART of Hamilton's program was for the new federal government to assume the debts that the individual states had incurred during the Revolutionary War. Hamilton thought these debts amounted to \$25 million, although no one really knew for sure. It eventually turned out that only about \$18 million in state bonds remained in circulation.

Again, opinion was sharply divided. Those states, such as Virginia, that had redeemed most of their bonds were adamantly opposed to assumption. Needless to say, those states, like the New England ones, that had not were all in favor of it. Financial speculators, hoping for a rise to par of bonds they had bought at deep discount, also favored the federal government assuming the state debts. But land speculators were opposed. Many states allowed public lands to be purchased with state bonds at face

value, even when the bonds were selling in the open market for much less. Any rise in the price of bonds would increase the cost of land.

Madison and others argued that it was simply unfair for Virginians, who had nearly liquidated their state's bonded indebtedness, to pay all over again for the debts incurred by other states that had not. "Where, I again demand," thundered James Jackson of Georgia, "is the justice of compelling a State which has taxed her citizens for the sinking of her debt, to pay another proportion, not of her own, but the debts of other States, which have made no exertions whatever?"

Fisher Ames, a congressman from Massachusetts, argued that since the new Constitution gave all revenues from tariffs—the best and surest source of funds with which to pay the interest on the bonds—to the federal government, the federal government should now assume the debt. "Let the debts follow the funds," he demanded.

In the middle of April 1790, the House voted down Hamilton's proposal 31-29. Four more times it was voted down, each time by so narrow a margin that Hamilton had hopes of making a deal. He had to do something, for he had tied the funding of the old national debt and the assumption of the state debt into one bill. Many thought that the state debt issue was "a millstone about the neck of the whole system which must finally sink it."

Hamilton might have abandoned his effort to fund the state debts, but he had still one more reason for extinguishing as much state paper as possible and replacing it with federal bonds. The debts, of course, were largely

held by the prosperous men of business, commerce, and agriculture—the oligarchs, in other words. These men's loyalties lay mainly with their respective states and the cozy local societies in which they had grown up. Although they had largely supported the creation of the new Union, Hamilton had every reason to suppose that their support would quickly fade away if their self-interest dictated it.

Hamilton, therefore, was anxious to make it in the self-interest of these men to continue their support of the Union. If they had a large share of their assets held in federal bonds, they would have powerful incentives for wishing the Union well. So he was willing to throw a very large bargaining chip onto the table to save his funding and assumption scheme. The new federal government had come into existence in New York City, and Hamilton, as well as nearly every other New Yorker, was hoping that the city would become the permanent capital. Certainly the city had gone to a lot of trouble to spruce itself up, spending £18,000 in the process (these pounds were in New York currency, to be sure, not in the far more valuable sterling*).

Hamilton knew perfectly well that every state wanted the capital, and that Jefferson and Madison especially wanted the capital located in the rural South, away from what they regarded as the commerce and corruption of the cities. Hamilton intercepted Jefferson outside Presi-

* The dollar would largely replace the myriad other forms of currency in the 1790s, as the new federal government began to mint coins. Much old nomenclatural usage remained, however. An eighth of a dollar, twelve and a half cents, was known as a shilling until nearly the middle of the nineteenth century, despite the fact that the government never minted a coin of that denomination.

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dent Washington's Broadway mansion one day shortly after the bill's defeat and asked for help on getting his bill through Congress. Jefferson, who had opposed the adoption of the Constitution itself, and favored the states in nearly all federal-state disputes over the distribution of power, was opposed to the bill.

Nonetheless, he offered to meet Hamilton the following night for dinner, with Madison in attendance. There a deal was made. Enough votes would be switched to ensure passage of Hamilton's bill, in return for which Hamilton would throw his support to having the new capital located on the muddy and fever-ridden banks of the Potomac. To ensure Pennsylvania's cooperation, the temporary capital was to be moved to Philadelphia for ten years.*

The deal was made, and the bill was passed and signed into law by President Washington. Hamilton was right that the bonds would find acceptance in the marketplace, and the entire issue sold out in only a few weeks. The new government, with a monopoly on customs duties and possessing the power to tax elsewhere, was simply a much better credit risk than the old government and the states had been. When it became clear that the U.S. government would be able to pay the interest due on these bonds, they quickly became sought after in Europe, just as Hamilton had hoped, especially after the outbreak of

* Historians should probably be required to swear a solemn oath never to play the game of "what if." Still, one can hardly help speculating on how profoundly different would have been the history of this country, not to mention the history of New York City, if its political capital had been located in the city that so swiftly became its financial, commercial, and cultural capital as well.

the war in which the other European powers tried to reverse the tide of the French Revolution.

THE THIRD MAJOR PORTION of Hamilton's program was the creation of a central bank, modeled after the Bank of England. Hamilton saw it as an instrument of fiscal efficiency, economic regulation, and money creation. Jefferson saw it as another giveaway to the rich and as a potential instrument of tyranny. Furthermore, Jefferson and Madison thought it was patently unconstitutional for the federal government to establish a bank, for the Constitution nowhere gives the federal government the explicit power to charter a bank or, for that matter, any other corporation.

There are three main purposes to a central bank. It acts as a depository for government funds and a means of transferring them from one part of the country to another (no small consideration in the primitive conditions of Hamilton's day). It is a source of loans to the government and to other banks, and it regulates the money supply.

The last was a great problem in the new Republic. Specie—gold and silver—was in critically short supply. Colonial coinage had been a hodgepodge of Spanish, Portuguese, and British coins, often cut into pieces in order to make small change.*

* Spanish reales, the monetary unit upon which the dollar was originally based, were called "pieces of eight" because they were often cut into eight pieces for this purpose. This is why a quarter is still known as "two bits" and why the New York Stock Exchange to this day quotes fractional prices in eighths, not tenths, of a dollar.

The lack of specie forced merchants to be creative. In the southern colonies warehouse receipts for tobacco often circulated as money. Hamilton knew that foreign bonds could serve the same purpose. In his "Report on the Public Credit" he wrote: "It is a well-known fact that in countries in which the national debt is properly funded, and an object of established confidence, it answers most of the purposes of money. Transfers of stock, or public debt, are there equivalent to payments in specie; or, in other words, stock, in the principal transactions of business, passes current as specie. The same thing would, in all probability, happen here, under the like circumstances."^{*}

But the bonds, of course, were of very large denomination. There were a few state banks (three in 1790) to issue paper money, but these notes did not circulate on a national basis. Many business deals had to be accompanied by barter simply because there was no money to facilitate them.

Hamilton did not like the idea of the government itself issuing paper money because he felt that governments could not be trusted to exert self-discipline. Certainly the Continental Congress had shown none when it came to printing paper money, although at least it had the pretty good excuse of utter necessity. Hamilton thought that an independent central bank could supply not only a medium of exchange but the discipline needed to keep the

^{*} It would be only after the Civil War that the word *stock* would come to mean a share of ownership, while *bond* would mean debt; in Hamilton's day the words were largely interchangeable.

money sound. If it issued notes that were redeemable in gold and silver on demand and accepted by the federal government in payment of taxes, those notes would circulate at par and relieve the desperate shortage of cash. Further, because the central bank could refuse the notes of state banks that got out of line—which would mean that no one else would take them either—it could supply discipline to those banks as well.

Hamilton proposed a capitalization of \$10 million, a very large sum when it is considered that the three state banks in existence had a combined capital of only \$2 million. The government was to subscribe 20 percent of this, but Hamilton intended the bank to be a private concern. "To attach full confidence to an institution of this nature," Hamilton wrote in his "Report on a National Bank" delivered to Congress on December 14th, 1790, "it appears to be an essential ingredient in its structure, that it shall be under a *private* not a *public* direction—under the guidance of *individual interest*, not of *public policy*; which would be supposed to be, and, in certain emergencies, under a feeble or too sanguine administration, would really be, liable to being too much influenced by *public necessity*." In other words, Hamilton did not believe that politicians could be trusted with the power to print money, whereas a privately held bank could, because its owners would go broke if they printed excessive amounts. The history of many countries, including, in his own time, France under the First Republic, would prove him right.

To make sure that the private owners of the bank did not pursue private interests at public expense, Hamilton wanted the bank's charter to require that its notes be redeemable in specie, that 20 percent of the seats on the board of directors be held by government appointees, and that the secretary of the treasury would have the right to inspect the books at any time.

There was little political discussion of the bank outside of Congress, which passed Hamilton's bill, the two houses splitting cleanly along sectional lines. Only one congressman from states north of Maryland voted against it, and only three from states south of Maryland voted for it.

Hamilton thought the bank was a *fait accompli*, but he had not reckoned on Thomas Jefferson and James Madison. Jefferson, the lover of rural virtues, had a deep, almost visceral hatred of banks, which he thought the epitome of all that was urban. "I have ever been the enemy of banks," he wrote years later to John Adams. "My zeal against those institutions was so warm and open at the establishment of the Bank of the U.S. that I was derided as a Maniac by the tribe of bank-mongers, who were seeking to filch from the public their swindling, and barren gains."*

* Anyone who doubts the influence of great men on history should consider how Jefferson's intense, even irrational hatred of banks has affected the history of the United States. The savings-and-loan crisis of the 1980s, 160 years after Jefferson's death, had its origins, in a very real sense, in Jefferson's passion. For that passion, articulated by one of the most articulate men who ever lived, greatly strengthened a fear of powerful financial institutions in his political heirs. This led to laws that favored many small (and thus weak)

Jefferson and Madison, along with their fellow Virginian Edmund Randolph, the attorney general, wrote opinions for President Washington that the bank bill was unconstitutional. Their arguments revolved around the so-called necessary and proper clause, giving Congress the power to pass laws "necessary and proper for carrying into Execution the foregoing Powers."

The Constitution nowhere specifically authorizes the federal government to establish a central bank, they argued, and therefore one could be created only if it were indispensable for carrying out the government's enumerated duties. A central bank was not *absolutely* necessary and therefore was absolutely unconstitutional. This line of reasoning is known as *strict construction*—although the phrase itself was not actually coined until 1838—and has been a powerful force in the American political firmament ever since.

President Washington recognized the utility of a central bank, but Jefferson's and Randolph's argument had much force for him. Further, he may have worried that if the bank were established in Philadelphia, the capital might never make its way to his beloved Potomac. He told Hamilton that he could not sign the bill unless Hamilton was able to overcome Jefferson's constitutional argument.

To counter Jefferson's doctrine of strict construction, Hamilton devised a counter doctrine of *implied powers*.

banks over a few large ones. Even today, when thousands of banks have merged and banking across state lines has finally become possible, the United States still has more banks than all the rest of the industrialized world put together.

He said that if the federal government was to deal successfully with its enumerated duties, it must be supreme in deciding how best to perform those duties. "Little less than a prohibitory clause," he wrote to Washington, "can destroy the strong presumptions which result from the general aspect of the government. Nothing but demonstration should exclude the idea that the power exists." Moreover, he asserted that Congress had the right to decide what means were necessary and proper. "The national government like every other," he wrote, "must judge in the first instance of the proper exercise of its powers."

Hamilton's complete response to Jefferson and Randolph runs nearly 15,000 words and was written under an inflexible deadline, for the Constitution required President Washington to sign or veto the bill within ten days of its passage. Hamilton thought about his response for nearly a week but seems to have written it entirely in a single night. To read it today is to see plain the extraordinary powers of thought he possessed. Even John Marshall was awed by them. "To talents of the highest order," the great chief justice wrote, "he united a patient industry, not always the companion of genius, which fitted him in a peculiar manner for the difficulties to be encountered by the man who should be placed at the head of the American finances."

Washington, his doubts quieted, signed the bill in 1791, and the bank soon came into existence. Its stock subscription was a resounding success, for investors expected it to be very profitable, which it was. It also func-

tioned as Hamilton intended and did much to further the early development of the American economy. State banks multiplied under its control—from 3 in 1790, to 29 by the turn of the century, to more than 100 a decade later.

Had Washington accepted Jefferson's argument and not Hamilton's, not only would the bank bill have been vetoed, but the development of the U.S. government would have been profoundly different. Indeed, it is hard to see how the Constitution could have long survived, at least without frequent amendment. Jefferson's doctrine of strict construction, rigorously applied, would have been a straitjacket, preventing the federal government from adapting to meet both the challenges and the opportunities that were to come in the future. Abraham Lincoln and Franklin Delano Roosevelt, for instance, would both push the Hamiltonian concept of implied powers very far in seeking to meet the immense national crises of the Civil War and the Great Depression.

Even Jefferson, once in the White House, would come to realize that strict constructionism was a doctrine that appeals mainly to those in opposition, not those who must actually exercise political power. Certainly he did not let the fact that the Constitution nowhere mentions the acquisition of territory from a foreign state stop him from snapping up the Louisiana Purchase from France when the opportunity arose.

HAMILTON'S FINANCIAL PROGRAM quickly, indeed utterly, transformed the country's financial circumstances. In the 1780s the United States had been a financial basket

case. By 1794 it had the highest credit rating in Europe, and some of its bonds were selling at 10 percent over par. Talleyrand, who later became the French foreign minister, explained why. The United States bonds, he said, were "safe and free from reverses. They have been funded in such a sound manner and the prosperity of this country is growing so rapidly that there can be no doubt of their solvency." By 1801 Europeans held \$33 million in U.S. securities, and European capital was helping mightily to build the American economy.

Less than two years after Hamilton's funding bill became law, trading in state and federal bonds had become so brisk in New York that brokers who specialized in them got together and formed an organization to facilitate trading. This organization would evolve into the New York Stock Exchange, and within a little more than 100 years it would be the largest such exchange in the world, eclipsing London's.

But Hamilton's program and its enactment had one great and entirely unanticipated consequence. It produced the first big political fight of the new federal union. It revealed deep and heretofore unsuspected cleavages in the American body politic. "When the smoke of the contest had cleared away," wrote Albert S. Bolles in his majestic *Financial History of the United States*, published a century ago, "two political parties might be seen, whose opposition, though varying much in conviction, power, and earnestness, has never ceased." It still hasn't, and the American political nation can be divided to this day largely into Jeffersonians and Hamiltonians, those who

look more closely at the trees of individual liberty and justice and those for whom the forests of a sound economy and an effective government are most important.

Jefferson never ceased to rail against Hamilton's program. His "Remarks Upon the Bank of the United States," published a few years after the bank was chartered, is a savage attack upon Hamilton. Jefferson, for instance, considered only the inevitable inequities that had resulted from Hamilton's funding scheme. "Immense sums were . . . filched from the poor and ignorant," he wrote, "and fortunes accumulated by those who had themselves been poor enough before."

Hamilton, understandably, preferred to look at the results and felt abused. "It is a curious phenomenon in political history," he wrote in reply, "that a measure which has elevated the credit of the country from a state of absolute prostration to a state of exalted preeminence, should bring upon the authors of it obloquy and reproach. It is certainly what, in the ordinary course of human affairs, they could not have anticipated."

But by then, 1797, the political pendulum was swinging toward the Jeffersonians, and they would run the country for years to come. In the fullness of time, however, as the very few who were actually harmed by Hamilton's program faded from the scene and the very many who benefited, generation after generation, remained, it came to enjoy the praise it deserves. Of Hamilton's work Daniel Webster, with typical grandiloquence, would one day say "the whole country perceived with delight, and the world saw with admiration. He smote the rock of the

national resources, and abundant streams gushed forth. He touched the dead corpse of the public credit, and it sprung to its feet. The fabled birth of Minerva from the brain of Jove was hardly more sudden or more perfect than the financial system of the United States as it burst forth from the conception of Alexander Hamilton."

ALEXANDER HAMILTON/TOMAS JEFFERSON

1. General Political Philosophy**HAMILTON**

"It has been observed that a pure democracy if it were practicable would be the most perfect government. Experience has proved that no position is more false than this. The ancient democracies in which the people themselves deliberated never possessed one good feature of government. Their very character was tyranny; their figure deformity."

A feeble executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution; and a government ill executed, whatever may be its theory, must be, in practice, a bad government.--Alexander Hamilton, Federalist No. 70, 1788

Energy in the executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws; to the protection of property against those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy.--Alexander Hamilton, Federalist No. 69, March 14, 1788

If a well-regulated militia be the most natural defense of a free country, it ought certainly to be under the regulation and at the disposal of that body which is constituted the guardian of the national security.--Federalist No. 29, January 10, 1788

In all very numerous assemblies, of whatever character composed, passion never fails to wrest the sceptre from reason. ... Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob.--Federalist No. 55, February 15, 1788

It is an unquestionable truth, that the body of the people in every country desire sincerely its prosperity. But it is equally unquestionable that they do not possess the discernment and stability necessary for systematic government. To deny that they are frequently led into the grossest of errors, by misinformation and passion, would be a flattery which their own good sense must despise.--speech to the Ratifying Convention of New York, June, 1788

The local interest of a State ought in every case to give way to the interests of the Union. For when a sacrifice of one or the other is necessary, the former becomes only an apparent, partial interest, and should yield, on the principle that the smaller good ought never to oppose the greater good.--Alexander Hamilton, speech to the New York Ratifying Convention, June, 1788

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"Where powers are assumed which have not been delegated, a nullification of the [federal] act [by the state] is the rightful remedy." --Thomas Jefferson: Draft Kentucky Resolutions, 1798. ME 17:386

"It is rare that the public sentiment decides immorally or unwisely, and the individual who differs from it ought to distrust and examine well his own opinion." --Thomas Jefferson to William Findley, 1801. FE 8:27

"I hope, therefore, a bill of rights will be formed to guard the people against the federal government as they are already guarded against their State governments, in most instances." --Thomas Jefferson to James Madison, 1788. ME 7:98

"The perpetual re-eligibility of the President... will be productive of cruel distress to our country... The importance to France and England, to have our government in the hands of a friend or foe, will occasion their interference by money, and even by arms. Our President will be of much more consequence to them than a King of Poland." --Thomas Jefferson to Alexander Donald, 1788. ME 6:426

"On every unauthoritative exercise of power by the legislature must the people rise in rebellion or their silence be construed into a surrender of that power to them? If so, how many rebellions should we have had already?" --Thomas Jefferson: *Notes on Virginia* Q.XIII, 1782. ME 2:171

"I do not like [in the new Federal Constitution] the omission of a Bill of Rights providing clearly and without the aid of sophisms for... protection against standing armies." --Thomas Jefferson to James Madison, 1787. ME 6:387

"The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants." 1787 Nov. 13. (to W. S. Smith)

"I would rather be exposed to the inconveniencies attending too much liberty than to those attending too small a degree of it." (to Archibald Stuart, 1791 Dec. 23.)

2. On the Proper Role of Government in the Economy:

HAMILTON

Experience teaches, that men are often so much governed by what they are accustomed to see and practice, that the simplest and most obvious improvements, in the [most] ordinary occupations, are adopted with hesitation, reluctance and by slow gradations. The spontaneous transition to new pursuits, in a community long habituated to different ones, may be expected to be attended with proportionably greater difficulty. When former occupations ceased to yield a profit adequate to the subsistence of their followers, or when there was an absolute deficiency of employment in them, owing to the

superabundance of hands, changes would ensue; but these changes would be likely to be more tardy than might consist with the interest either of individuals or of the Society. In many cases they would not happen, while a bare support could be ensured by an adherence to ancient courses; though a resort to a more profitable employment might be practicable. To produce the desirable changes, as early as may be expedient, may therefore require the incitement and patronage of government.

The apprehension of failing in new attempts is perhaps a more serious impediment.... To this, it is of importance that the confidence of cautious sagacious capitalists both citizens and foreigners, should be excited. And to inspire this description of persons with confidence, it is essential, that they should be made to see in any project, which is new, and for that reason alone...precarious, the prospect of such a degree of countenance and support from government....

The superiority antecedently enjoyed by nations, who have preoccupied and perfected a branch of industry, constitutes a more formidable obstacle...to the introduction of the same branch into a country, in which it did not before exist. To maintain between the recent establishments of one country and the long matured establishments of another country, a competition upon equal terms, both as to quality and price, is in most cases impracticable. The disparity...must necessarily be so considerable as to forbid a successful rivalry, without the extraordinary aid and protection of government.

First. To constitute a fund for paying the bounties which shall have been decreed....

Let these Commissioners be empowered to apply the fund...to defray the expences of the emigration of Artists, and Manufacturers in particular branches of extraordinary importance--to induce the prosecution and introduction of useful discoveries, inventions and improvements, by proportionate rewards....

In countries where there is great private wealth much may be effected by the voluntary contributions of patriotic individuals, but in a community situated like that of the United States, the public purse must supply the deficiency of private resource. In what can it be so useful as in prompting and improving the efforts of industry?—Report on Manufactures, 1791.

JEFFERSON

"I view [a proposition respecting post roads] as a source of boundless patronage to the executive, jobbing to members of Congress and their friends, and a bottomless abyss of public money. You will begin by only appropriating the surplus of the post office revenues; but the other revenues will soon be called into their aid, and it will be a source of eternal scramble among the members, who can get the most money wasted in their State; and they will always get most who are meanest."--Thomas Jefferson to James Madison, 1796. ME 9:324

"A national debt, if it is not excessive, will be to us a national blessing."

"It is a well-known fact that, in countries in which the national debt is properly funded, and an object of established confidence, it answers most of the purposes of money"

JEFFERSON:

"Then I say, the earth belongs to each of these generations during its course, fully and in its own right. The second generation receives it clear of the debts and incumbrances of the first, the third of the second, and so on. For if the first could charge it with a debt, then the earth would belong to the dead and not to the living generation. Then, no generation can contract debts greater than may be paid during the course of its own existence." --Thomas Jefferson to James Madison, 1789. ME 7:455, Papers 15:393

Implied Powers v. Strict Construction

Editor's Note: One of the great battles in U.S. Constitutional History is over the meaning of Article I, Section 8, Clause 18, often referred to as the "Elastic Clause," which reads: *"The Congress shall have Power - To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."*

In 1791, this debate flared with great intensity when Hamilton proposed the formation of the Bank of the United States, which would have 4/5ths private funding and 1/5th federal government funding. Hamilton believed that this arrangement would provide liquidity and become the basis for a sound financial system in the fledgling nation. Jefferson saw it as a dangerous and unconstitutional innovation, but was outvoted on this issue. The argument outlived both men, and was in fact the critical issue in Andrew Jackson's re-election campaign of 1832, after which Jackson crushed the bank.)

HAMILTON:

"'Necessary' often means no more than needful, requisite, incidental, useful, or conducive to....Restrictive interpretation of the word 'necessary' is also contrary to this sound maxim of construction: namely, that the powers contained in a constitution...ought to be construed liberally in advancement of the public good."

On creating the "Bank of the United States"

Bank of the United States: "A hope is entertained that it has, by this time, been made to appear to the satisfaction of the President, that a bank has a natural relation to the power of collecting taxes—to that of regulating trade—to that of providing for the

common defense—and that, as the bill under consideration contemplates the government in the light of a joint proprietor of the stock of the bank, it brings the case within the provision of the clause of the constitution... 'The Congress shall have power to make all needful rules and regulations respecting the territory or other property belonging to the United States.'"

JEFFERSON

"They are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose. To consider the latter phrase not as describing the purpose of the first, but as giving a distinct and independent power to do any act they please which might be for the good of the Union, would render all the preceding and subsequent enumerations of power completely useless. It would reduce the whole instrument to a single phrase, that of instituting a Congress with power to do whatever would be for the good of the United States; and, as they would be the sole judges of the good or evil, it would be also a power to do whatever evil they please... Certainly no such universal power was meant to be given them. It was intended to lace them up straitly within the enumerated powers and those without which, as means, these powers could not be carried into effect." --Thomas Jefferson: Opinion on National Bank, 1791. ME 3:148

"The construction applied... to those parts of the Constitution of the United States which delegate to Congress a power "to lay and collect taxes, duties, imports, and excises, to pay the debts, and provide for the common defence and general welfare of the United States," and "to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the government of the United States, or in any department or officer thereof," goes to the destruction of all limits prescribed to [the General Government's] power by the Constitution... Words meant by the instrument to be subsidiary only to the execution of limited powers ought not to be construed as themselves to give unlimited powers, nor a part to be so taken as to destroy the whole residue of that instrument." --Thomas Jefferson: Draft Kentucky Resolutions, 1798. ME 17:385

4. Agriculture and Manufacturing

There seems to be a moral certainty, that the trade of a country which is both manufacturing and Agricultural will be more lucrative and prosperous than that of a Country, which is merely Agricultural.

Considering how fast and how much the progress of new settlements in the United States must increase the surplus produce of the soil, and weighing seriously the tendency of the system, which prevails among most of the commercial nations of Europe, whatever dependence may be placed on the force of natural circumstances to counteract the effects of an artificial policy, there appear strong reasons to regard the foreign demand for that surplus as too uncertain a reliance, and to desire a substitute for it, in an extensive domestic market.

To secure such a market, there is no other expedient, than to promote manufacturing establishments. Manufacturers who constitute the most numerous class, after the Cultivators of land, are for that reason the principal consumers of the surplus of their labour.

This idea of an extensive domestic market for the surplus produce of the soil is of the first consequence. It is, of all things, that which most effectually conduces to a flourishing state of Agriculture.—Report on Manufactures

Not only the wealth, but the independence and security of a Country, appear to be materially connected with the prosperity of manufactures. Every nation, with a view to those great objects, ought to endeavour to possess within itself all the essentials of national supply. These comprise the means of Subsistence, habitation, clothing, and defence.

The possession of these is necessary to the perfection of the body politic; to the safety as well as to the welfare of the society; the want of either is the want of an important Organ of political life and Motion; and in the various crises which await a state, it must severely feel the effects of any such deficiency. The extreme embarrassments of the United States during the late War, from an incapacity of supplying themselves, are still matter of keen recollection: A future war might be expected again to exemplify the mischiefs and dangers of a situation to which that incapacity is still in too great a degree applicable, unless changed by timely and vigorous exertion. To effect this change, as fast as shall be prudent, merits all the attention and all the Zeal of our Public Councils; 'tis the next great work to be accomplished.—Report on Manufactures, 1791

JEFFERSON:

"The cultivators of the earth are the most virtuous citizens, and possess most of the amor patriae. Merchants are the least virtuous, and possess the least of the amor patriae." -- Thomas Jefferson: Answers to de Meusnier Questions, 1786. ME 17:116

"Those who labor in the earth are the chosen people of God, if ever He had a chosen people, whose breasts He has made his peculiar deposit for substantial and genuine virtue. It is the focus in which he keeps alive that sacred fire which otherwise might escape from the face of the earth. Corruption of morals in the mass of cultivators is a phenomenon of which no age nor nation has furnished an example." --Thomas Jefferson: Notes on Virginia Q.XI X, 1782. ME 2:229

"I hope we shall... crush in its birth the aristocracy of our moneyed corporations, which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country." --Thomas Jefferson to George Logan, 1816. FE 10:69

"All the capital employed in paper speculation is barren and useless, producing, like that on a gaming table, no accession to itself, and is withdrawn from commerce and agriculture where it would have produced addition to the common mass... It nourishes in

our citizens habits of vice and idleness instead of industry and morality... It has furnished effectual means of corrupting such a portion of the legislature as turns the balance between the honest voters whichever way it is directed." --Thomas Jefferson to George Washington, 1792. ME 8:344

"I sincerely believe... that banking establishments are more dangerous than standing armies, and that the principle of spending money to be paid by posterity under the name of funding is but swindling futurity on a large scale." --Thomas Jefferson to John Taylor, 1816. ME 15:23

Editor's Note: To be accurate, Jefferson would later relax his sentiments about the evil of manufacturing (though banking, as seen above, still came in for scorn.) His time as President, as well as the influence of the British invasion in the War of 1812, gave a greater sense of the benefits of domestic manufacturing.

5. Tariffs v. Free Trade:

HAMILTON

There remains to be noticed an objection to the encouragement of manufactures, of a nature different from those which question the probability of success. This is derived from its supposed tendency to give a monopoly of advantages to particular classes, at the expense of the rest of the community, who, it is affirmed, would be able to procure the requisite supplies of manufactured articles on better terms from foreigners, than from our own Citizens, and who, it is alleged, are reduced to the necessity of paying an enhanced price for whatever they want, by every measure, which obstructs the free competition of foreign commodities....

But though...the immediate and certain effect of regulations controlling the competition of foreign with domestic fabrics was an increase of Price, it is universally true, that the contrary is the ultimate effect with every successful manufacture. When a domestic manufacture has attained to perfection, and has engaged in the prosecution of it a competent number of Persons, it invariably becomes cheaper. Being free from the heavy charges which attend the importation of foreign commodities, it can be afforded, and accordingly seldom or never fails to be sold Cheaper, in process of time, than was the foreign Article for which it is a substitute. The internal competition which takes place, soon does away every thing like Monopoly, and by degrees reduces the price of the Article to the minimum of a reasonable profit on the Capital employed.

Whence it follows, that it is the interest of a community, with a view to eventual and permanent economy, to encourage the growth of manufactures. In a national view, a temporary enhancement of price must always be well compensated by a permanent reduction of it.—Report on Manufactures, 1791

JEFFERSON:

"Nature... has conveniently assorted our wants and our superfluities, to each other. Each nation has exactly to spare, the articles which the other wants... The governments have nothing to do, but not to hinder their merchants from making the exchange." --Thomas Jefferson to the Count de Montmorin, 1787. ME 6:186

"Our interest [is] to throw open the doors of commerce and to knock off all its shackles, giving perfect freedom to all persons for the vent of whatever they may choose to bring into our ports, and asking the same in theirs." --Thomas Jefferson: Notes on Virginia Q.XXII, 1782. ME 2:240

Editor's Note: Jefferson would later become far more accepting of tariffs and domestic industry, particularly in the 1810s (after his presidency.)

6. Miscellaneous:

Education:

JEFFERSON:

"If a nation expects to be ignorant and free in a state of civilization, it expects what never was and never will be." --Thomas Jefferson to Charles Yancey, 1816. ME 14:384

"A bill for the more general diffusion of learning... proposed to divide every county into wards of five or six miles square;... to establish in each ward a free school for reading, writing and common arithmetic; to provide for the annual selection of the best subjects from these schools, who might receive at the public expense a higher degree of education at a district school; and from these district schools to select a certain number of the most promising subjects, to be completed at an University where all the useful sciences should be taught. Worth and genius would thus have been sought out from every condition of life, and completely prepared by education for defeating the competition of wealth and
 "The government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion and not the Constitution the measure of its powers; but... as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress." --Thomas Jefferson: Draft Kentucky Resolutions, 1798. ME 17:380

Religious Freedom

JEFFERSON

"[When] the [Virginia] bill for establishing religious freedom... was finally passed,... a singular proposition proved that its protection of opinion was meant to be universal. Where the preamble declares that coercion is a departure from the plan of the holy author of our religion, an amendment was proposed, by inserting the word "Jesus Christ," so that it should read "a departure from the plan of Jesus Christ, the holy author of our religion."